

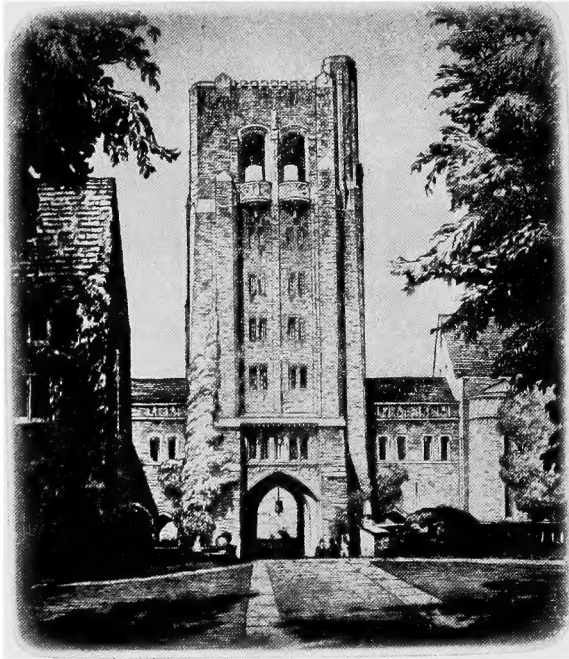
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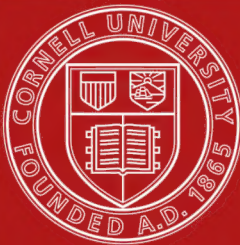


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THE
STATUTE LAW
OF
THE BAHAMAS,

COMPRISING

ALL ACTS OF THE GENERAL ASSEMBLY OF THE BAHAMA ISLANDS IN
FORCE TO 62 VICTORIA, CHAPTER 33, INCLUSIVE.

COLLECTED AND ARRANGED IN EIGHT PARTS ACCORDING
TO THE ORDER OF SUBJECTS.

BY THE HONOURABLE

SIR ORMOND DRIMMIE MALCOLM, KNIGHT,
Chief Justice of the Colony.

ACTING UNDER THE AUTHORITY OF

HIS EXCELLENCY SIR GILBERT THOMAS CARTER, K.C.M.G.,
Governor and Commander-in-Chief of the Bahama Islands.



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1901.

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15. 58 Vic. c. 27	852	31. 62 Vic. c. 25	861
16. 58 Vic. c. 32	853	32. 62 Vic. c. 33	861

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CLASS I.

ACTS EXTENDING THE COMMON AND CERTAIN PARTS
OF THE STATUTE LAWS OF ENGLAND TO THE
BAHAMA ISLANDS.

No. 1.

40 Geo. 3, c. 2. *An Act to declare how much of the laws of England are practicable within the Bahama Islands, and ought to be in force within the same.* (A.D. 1799.)

WHEREAS the common law of England is the best birthright of Englishmen and of their descendants, but nevertheless is not, in all respects, applicable to the circumstances and condition of new and distant colonies: And whereas doubts have arisen how far the Acts of Parliament, in which His Majesty's colonies and plantations in America are not especially mentioned or included under general words, do extend to those colonies and plantations by reason whereof your Majesty's liege subjects of these islands have sometimes been in danger of being deprived of the benefit of many good and wholesome laws; and whereas it is expedient that all doubt be taken away concerning a subject of such high importance: We therefore pray, &c., and be it declared by the authority

PREAMBLE.

Common law of England, with certain exceptions, declared in force in the colony.

Declares certain Acts of Parliament to be in force.

of the same, that the common law of England, in all cases where the same hath not been altered by any of the Acts or Statutes hereinafter enumerated; or by any Act or Acts of Assembly of these islands (except so much thereof as hath relation to the ancient feudal tenures, to out-lawries in civil suits, to the wager of law or of batall, appeals of felony, writs of attaind and ecclesiastical matters), is and of right ought to be, in full force within these islands, as the same now is in that part of Great Britain called England.

II. *And be it further declared*, That the several Statutes and Acts of Parliament, hereinafter particularly enumerated and mentioned, are, and of right ought to be, in full force and virtue within and throughout this colony, as the same would be if the Bahama Islands were therein expressly named, or as if the aforesaid Acts and Statutes had been made and enacted by the General Assembly of these islands.*

- | | |
|---|---------------------------------|
| 9 Henry 3, ch. 8. | 14 Edward 3, statute 1, ch. 6. |
| 9 Henry 3, ch. 18. | 18 Edward 3, statute 2, ch. 2. |
| 20 Henry 3, ch. 1. | 20 Edward 3, ch. 3. |
| 20 Henry 3, ch. 2. | 25 Edward 3, statute 5, ch. 2. |
| 20 Henry 3, ch. 9. | 25 Edward 3, statute 5, ch. 3. |
| 3 Edward 1, ch. 4. | 25 Edward 3, statute 5, ch. 5. |
| 3 Edward 1, ch. 9. | 25 Edward 3, statute 5, ch. 14. |
| 3 Edward 1, ch. 15, except
so much as relates to re-
plevying of prisoners. | 28 Edward 3, ch. 3. |
| 3 Edward 1, ch. 25. | 34 Edward 3, ch. 12. |
| 3 Edward 1, ch. 26. | 1 Richard 2, ch. 12. |
| 3 Edward 1, ch. 28. | 5 Richard 2, ch. 8. |
| 3 Edward 1, ch. 29. | 8 Richard 2, ch. 4. |
| 6 Edward 1, ch. 1. | 13 Richard 2, statute 1, ch. 5. |
| 13 Edward 1, statute 1, ch. 1. | 15 Richard 2, ch. 2. |
| 13 Edward 1, statute 1, ch. 4. | 15 Richard 2, ch. 3. |
| 13 Edward 1, ch. 7. | 17 Richard 2, ch. 8. |
| 13 Edward 1, ch. 15. | 1 Henry 4, ch. 10. |
| 13 Edward 1, ch. 22. | 4 Henry 4, ch. 23. |
| 13 Edward 1, ch. 23. | 5 Henry 4, ch. 10. |
| 13 Edward 1, ch. 31. | 11 Henry 4, ch. 3. |
| 13 Edward 1, ch. 34. | 13 Henry 4, ch. 7. |
| 13 Edward 1, ch. 40. | 2 Henry 5, ch. 2. |
| 13 Edward 1, ch. 45. | 9 Henry 5, statute 1, ch. 4. |
| 13 Edward 1, ch. 49. | 4 Henry 6, ch. 3. |
| 28 Edward 1, ch. 11. | 8 Henry 6, ch. 9. |
| Stat. de fraugentibus Priso-
nam, 1 Edward 2, statute 2. | 8 Henry 6, ch. 12.† |
| 1 Edward 3, statute 2, ch. 16. | 8 Henry 6, ch. 15. |
| 4 Edward 3, ch. 2. | 11 Henry 6, ch. 6. |
| 4 Edward 3, ch. 7. | 1 Richard 3, ch. 3.‡ |
| | 3 Henry 7, ch. 3.‡ |
| | 4 Henry 7, ch. 20. |
| | 27 Henry 8, ch. 10. |

* By this clause, 207 Acts of Parliament were originally declared to be in force within the colony; but as the clause has been from time to time in part repealed by other Acts of Assembly, only such of the Acts of Parliament as are now in force here have been inserted in the present reprint. The titles of the Statutes were set forth in the Act as they usually appear in the printed copies of the Statutes, and have also been so set forth in the previous reprints, but it has been thought unnecessary to insert them in the present reprint.

† So much of this Statute as relates to the offences of "stealing, taking away, withdrawing, or avoiding of any record, or other like thing therein mentioned," is repealed. See Act of Assembly, 4 Vic. c. 30, *post*.

‡ So much of these Statutes as relate to mainprize and bail are suspended. See Act of Assembly, 4 Wm. 4, ch. 25, *post*.

28 Henry 8, ch. 15.
31 Henry 8, ch. 1.
32 Henry 8, ch. 9.
32 Henry 8, ch. 28.
32 Henry 8, ch. 32.
32 Henry 8, ch. 37.
32 Henry 8, ch. 38.
1 Edward 6, ch. 7.
5 Elizabeth, ch. 9.
8 Elizabeth, ch. 2.
13 Elizabeth, ch. 5.
13 Elizabeth, ch. 6.
27 Elizabeth, ch. 4.
43 Elizabeth, ch. 5.
7 James 1, ch. 12.
21 James 1, ch. 4.
21 James 1, ch. 14.
21 James 1, ch. 15.
21 James 1, ch. 16.
21 James 1, ch. 24.
16 Charles 2, ch. 7.
19 Charles 2, ch. 6.
22 and 23 Charles 2, ch. 10.
29 Charles 2, ch. 3.*

29 Charles 2, ch. 7.
30 Charles 2, ch. 7.
31 Charles 2, ch. 2.
3 Wm. and M., ch. 14.
4 and 5 Wm. and M., ch. 16.
7 William 3, ch. 3.
7 and 8 Wm. 3, ch. 34.
8 and 9 Wm. 3, ch. 11.
8 and 9 Wm. 3, ch. 31.
10 and 11 Wm. 3, ch. 16.
1 Anne, ch. 6, statute 2.
4 Anne, ch. 16.
6 Anne, ch. 18.
8 Anne, ch. 14.
9 Anne, ch. 14.
2 Geo. 2, ch. 21.
4 Geo. 2, ch. 10.
4 Geo. 2, ch. 28.
7 Geo. 2, ch. 20.
11 Geo. 2, ch. 19.
15 Geo. 2, ch. 30.
19 Geo. 2, ch. 21.
20 Geo. 2, ch. 19.
20 Geo. 2, ch. 30.

III. That all and every the Acts and Statutes, and parts of Acts and Statutes, of the Parliament of England, or of Great Britain, which relate to the prerogatives of the Crown, or to the allegiance of the people; also, such as require certain oaths (commonly called the State Oaths) and tests to be taken, or subscribed by the people of Great Britain; also, such as declare the rights, liberties, and privileges of the subject, are, and of right ought to be, of full force and virtue within this colony, as the same would be if the Bahama Islands were therein expressly named, or as if the aforesaid Acts and Statutes had been made and enacted by the General Assembly of these islands.

Acts of Parliament relative to prerogatives of the Crown declared in force.

IV. That all deeds, conveyances, and settlements of lands, tenements, and hereditaments, heretofore made within these islands, by lease and release, shall be good and valid, to all intents and purposes in the law whatsoever, as if the Statute for transferring uses into possession had been declared to be in force at the time of the making of such deeds, conveyances, and settlements.

Certain conveyances of real estate declared valid.

V. That so much of a Statute made in the twelfth year of King Charles the Second, entitled, "An Act for taking away the Court of wards and liveries, and tenures *in capite*, and by knights service and purveyance, and for settling a revenue upon His Majesty, in lieu thereof," whereby it is enacted, that all tenures of any honours, manors, lands, tenements, or hereditaments, or any estate at the common law, held either of the King, or any other person or persons, are turned into free and common socage, and that fathers may dispose of the custody of their unmarried children, under the age of twenty-one years, is and of right ought to be, in full force and virtue within this colony, as the same would be if the Bahama Islands were therein expressly named, or as if the aforesaid Act had been made and enacted by the General Assembly of these islands.

12 Charles 2, c. 24, in part extended to the colony.

VI. Provided always, and it is hereby declared, That the several Acts and Statutes hereby declared to be in force shall be taken, con-

Rule of construction of extended Statutes.

* Repealed in part by Act of Par. 1 Vic. c. 26, extending to this colony by Act of Assembly, 4 Vic. c. 23.

strued and executed liberally, and according to the substantial effect and meaning of the same : And provided also, That nothing herein contained shall extend, or be construed to extend, to abridge, alter, or repeal, any Act, or Acts, of the General Assembly of these islands, or any article, clause, matter, or thing therein contained.

Penalties on persons offending against extended Statutes.

VII. That all persons offending against any of the Acts, or Statutes, which have hereby been declared to be in force within these islands, shall suffer the same pains, penalties, and forfeitures as such persons would be liable to for such offence if committed in England ; and that all fines, penalties, and forfeitures imposed by any of the aforesaid Acts, or Statutes, shall and lawfully may be prosecuted, sued for, imposed, recovered and levied in the General Court of these islands, or other Court of corresponding jurisdiction, *mutatis mutandis*, as the case may be.

Powers of Court of Chancery and courts and officers of justice defined.

VIII. That His Majesty's Governor, or Commander-in-Chief for the time being, together with the Privy Council, constituting the Court of Chancery, have, and of right ought to have, power and authority to execute, within these islands, so much as well of the aforesaid Statutes, as of the common law (except as herein excepted) as the Lord Chancellor, or Keeper of the Great Seal, may lawfully do in England.* That the Justices of the General Court have, and of right ought to have, power and authority to execute so much as well of the aforesaid Statutes, as of the common law (except as hereinbefore excepted), as the Justices of the Court of King's Bench and Common Pleas, and the Barons of the Exchequer, and Commissioners of Oyer and Terminer, gaol delivery, and assize, lawfully may do in England. That His Majesty's justices of the peace within these islands, have, and of right ought to have, power and authority to execute so much, as well of the aforesaid Statutes as of the common law (except as hereinbefore excepted), as lawfully may be executed in England. That the Provost Marshal of these islands and his lawful deputies, have, and of right ought to have, power and authority to execute so much as well of the aforesaid Statutes as of the common law (except as hereinbefore excepted), as may lawfully be executed by the sheriff, or under sheriffs of any county in England. And that all constables, bailiffs, ministers, and other officers within these islands, have, and of right ought severally and respectively to have, power and authority to execute so much as well of the aforesaid Statutes as of the common law (except as hereinbefore excepted) as any constable, minister, or other officer of the like style, name, or description, may lawfully execute in England.

* The powers here given to the Governor and Council are now exercised by the Supreme Court of the Colony.

No. 2.

Since the passing of the foregoing Act, the Acts of Parliament mentioned in the subjoined Table have been declared in force in the colony by various Acts of Assembly.

Act of Parliament.	Subject of Act of Parliament with the addition of any restrictive words which may be used in the Act declaring the same in force.	By what Act of Assembly declared in force.
1 Jas. 1, c. 13 ...	Writs of execution	43 Geo. 3, c. 5.
2 W. & M. sess. 1, c. 5	Rents	35 Vic. c. 10.
11 & 12 Wm. 3. c. 7	Piracy	45 Geo. 3, c. 23.
2 Geo. 2, c. 22 ...	Set off	23 Vic. c. 23.
8 Geo. 2, c. 24 ...	To explain and amend 2 Geo. 2, c. 24 ...	23 Vic. c. 23.
18 Geo. 2, c. 30 ...	Piracy	45 Geo. 3, c. 23.
39 Geo. 3, c. 37 ...	For remedying certain defects in the law respecting offences committed on the High Seas	45 Geo. 3, c. 23.
57 Geo. 3, c. 52 ...	Rents	35 Vic. c. 10.
4 Geo. 4, c. 48 ...	Enabling Courts to abstain from pronouncing sentence of death in certain capital felonies	4 Vic. c. 30.
4 Geo. 4, c. 52 ...	The interment of the remains of a person found Felo-de-se	4 Vic. c. 30.
6 Geo. 4, c. 129 ...	Combination of Workmen	3 Vic. c. 1.
9 Geo. 4, c. 32 ..	Law of Evidence	4 Vic. c. 30.
10 Geo. 4, c. 7 ...	Relief of Roman Catholics	10 Geo. 4, c. 11.
1 Wm. 4, c. 40 ...	Undisposed of residues of the effects of Testators	23 Vic. c. 23.
2 & 3 Wm. 4, c. 71	Shortening the time of prescription in certain cases	9 Vic. c. 9.
3 & 4 Wm. 4, c. 27	Limitations of actions and suits relating to Real Property, except such parts of the said Act as relates to spiritual and eleemosynary corporations sole and to advowsons	9 Vic. c. 9.
*3 & 4 Wm. 4, c. 42	Further amendment of the Law and the better advancement of Justice. Provided, however, that the 1st, 7th, 15th, 16th, 17th, 18th, 19th, 20th, 22nd, 36th, 42nd, 43rd, 44th, and 45th clauses, not being applicable to the Bahama Islands, shall not be in force therein. Provided also that no person being within any part of the Bahama Islands shall be deemed or taken to be beyond seas for any purpose mentioned in the said Act	3 Vic. c. 33.
3 & 4 Wm. 4, c. 106	Amendment of the Law of Inheritance. Provided, however, that wherever the words "31st day of December, 1833," are inserted in the Imperial Act, the same shall be construed to mean within this colony the 30th day of June, 1844; and wherever the words "1st day of January, 1834," are inserted in the Imperial Act, the same shall be construed to mean within this colony the 1st day of July, 1844.	7 Vic. c. 15.
4 Wm. 4, c. 22 ...	Rents	35 Vic. c. 10.
6 & 7 Wm. 4, c. 114	For enabling persons indicted of Felony to make their defence by council or attorney. (This Act is in part repealed by Act of Assembly 12 Vic. c. 7)	4 Vic. c. 30.

* Certain sections of this Act are repealed by 61 Vic. c. 20, *post*.

Act of Parliament.	Subject of Act of Parliament with the addition of any restrictive words which may be used in the Act declaring the same in force.	By what Act of Assembly declared in force.
7 Wm. 4, & 1 Vic. c. 26	Wills. Provided always, that the said statute shall not extend to any will made within these islands before or on the 31st day of May, 1841	4 Vic. c. 23.
7 Wm. 4, & 1 Vic. c. 28	Limitations of actions and suits relating to Real Property	9 Vic. c. 9.
7 Wm. 4, & 1 Vic. c. 88	Piracy	4 Vic. c. 30.
3 & 4 Vic. c. 24, ss. 2, 3	Costs	23 Vic. c. 23.
4 & 5 Vic. c. 21 ...	For rendering a release as effectual for the conveyance of Freehold Estates as a lease and release by the same parties, except so much as refers to the payment of stamp duty... ..	9 Vic. c. 9.
6 & 7 Vic. c. 96 ...	To amend the law respecting Defamatory Words and Libel, with the exception of the 10th clause. Provided always, that it shall not be competent to any defendant in any action referred to and mentioned in the 2nd section of the said Act of Parliament, to file a plea under the authority of the said 2nd section without at the same time making a payment of money into court by way of amends, as provided by the said Act, but every such plea so filed without payment of money into court shall be deemed a nullity, and may be treated as such by the plaintiff in the action ...	10 Vic. c. 8.
8 & 9 Vic. c. 106 ...	Law of Real Property, save and except so much as refers to the payment of stamp duty... ..	9 Vic. c. 9.
8 & 9 Vic. c. 119 ...	To facilitate the conveyance of Real Property, except so much thereof as refers to the payment of stamp duty	9 Vic. c. 9.
9 & 10 Vic. c. 62 ...	To abolish Deodands	10 Vic. c. 7.
9 & 10 Vic. c. 93 ...	For compensating the families of persons killed by accident	10 Vic. c. 7.
15 & 16 Vic. c. 24	Wills	17 Vic. c. 21
18 & 19 Vic. c. 43	To enable infants, with the approbation of the Court of Chancery, to make binding settlements of their Real and Personal Estate on Marriage	23 Vic. c. 23.
18 & 19 Vic. c. 111	Bills of Lading	23 Vic. c. 23.
19 & 20 Vic. c. 97	Trade and Commerce	23 Vic. c. 23.
22 Vic. c. 10 ...	Form of Affirmation to be made in certain cases by Quakers and other persons ...	23 Vic. c. 23.
22 Vic. c. 32 ...	Remission of Penalties	23 Vic. c. 23.
22 Vic. c. 33 ...	To enable Coroners to admit to Bail persons charged with Manslaughter	23 Vic. c. 23.
22 Vic. c. 34 ...	Combination of Workmen	23 Vic. c. 23.
22 & 23 Vic. c. 35	Law of Property and relief of Trustees ...	23 Vic. c. 23.
28 & 29 Vic. c. 86	Partnership	29 Vic. c. 6.
33 & 34 Vic. c. 23	Criminal Law	38 Vic. c. 7.
33 & 34 Vic. c. 35	Rents	35 Vic. c. 10.
34 & 35 Vic. c. 79	Rents. Goods of Lodgers	35 Vic. c. 10.
37 & 38 Vic. c. 57	Real Property. Limitation	40 Vic. c. 2.
45 & 46 Vic. c. 61	Bills of Exchange	55 Vic. c. 5.
52 & 53 Vic. c. 43	Arbitration	62 Vic. c. 20.
56 & 57 Vic. c. 53	Trustee	62 Vic. c. 20.

No. 3.

55 Vic. c. 5. This Act extends to this Colony the Imperial "Bills of Exchange Act, 1882." See same printed *in extenso, post*, Part VIII., Class 2, No. 4.

No. 4.

62 Vic. c. 20. *An Act to extend to these Islands certain Statutes of the Imperial Parliament.* (Assented to 20th April, 1899).

I. This Act may be cited as the Extended Imperial Statutes Act, Title. 1899.

II. The Act of the Imperial Parliament 52 and 53 Victoria, chapter 49, known as the Arbitration Act, 1889, is hereby declared to be in force within these Islands. Extends Imperial Arbitration Act, 1889.

III. The Act of the Imperial Parliament 56 and 57 Victoria, chapter 53, known as the Trustee Act, 1893, is hereby declared to have been in force within these islands from the 9th day of August, 1897. Extends Imperial Trustee Act, 1893.

IV. Where in any past Act of Assembly the Statute of the Imperial Parliament, known as the Trustee Act, 1850; is cited and referred to in reading such Act of Assembly, hereafter such citation and reference shall be held to apply to the Imperial Statute, known as the Trustee Act, 1893. Application of Trustee Act, 1893.

CLASS II.

GENERAL ASSEMBLY.

No. 1.

36 Geo. 3, c. 10. *An Act for limiting the duration of the General Assemblies.* (A.D. 1795.)

WHEREAS, the limiting of the duration of the General Assemblies, tends to the satisfaction of the people, and the preservation of their just rights and liberties; May it, &c., that from and after the publication of this Act, the present General Assembly, and all future General Assemblies that shall hereafter be called, assembled, or held, shall and may respectively have continuance for seven years, and no longer, to be reckoned from the day on which the present General Assembly was, or any future General Assembly shall be appointed to meet, unless the same shall be sooner dissolved by the Governor or Commander-in-Chief, for the time being. Duration of General Assemblies limited to seven years.

Unless sooner dissolved.

No. 2.

1 Geo. 4, c. 1. *An Act to heal and put an end to certain Differences and Disputes which have arisen between the Houses of Assembly of the said Islands and the Judges of the General Court thereof; and to prevent a certain Bailment therein mentioned, from being construed to extend into a Precedent hereafter.* (Nov. 30, 1820.)

(It has not been considered necessary to reprint this Act *in extenso* in this publication.)

No. 3.

2 Geo. 4, c. 35. *An Act for continuing for a limited time the General Assembly of these Islands, after the death or demise of the King.* (Assented to 23rd January, 1822.)

I. This section is inoperative since the passing of 48 and 49 Victoria, chapter 29, post, No. 4 of this Class, the 56th section of which now regulates the continuance of the General Assembly in being on the demise of the Crown.

Laws passing after demise of the Crown, but before the same may be known in the colony, to be valid,

II. That all laws made and passed, or to be made and passed, after the demise of any King, and before such demise shall have been made known in these islands, are and shall be taken and admitted to be in full force and effect, the demise of the then late King to the contrary notwithstanding.

No. 4.

48 and 49 Vic. c. 29. *An Act for defining the qualifications of Electors; for regulating the manner in which Elections shall be held; for ascertaining and describing the bounds of the several Islands and Districts within this Government which send Representatives to the General Assembly; for regulating the qualifications of Members of the said General Assembly; for providing for the settlement and determination of controverted Elections, and for other purposes therein mentioned.* (Assented to 3rd July, 1885.)

PREAMBLE.

WHEREAS it is expedient and necessary that better provision should be made for the calling of assemblies, and for regulating the qualifications of electors and of members to serve therein, for ascertaining the limits of the several districts of the Colony, for the holding of elections, and all other matters connected with the representation of the people. May it, &c.

Qualification of Electors.

I. From and after the passing of this Act every male inhabitant of these islands, except as hereinafter excepted, who hath attained the age of twenty-one years and hath been resident within the Colony twelve calendar months preceding any election to be held for any city, town or district within the said islands, and is and hath been the *bona fide* owner in fee simple of any land of the actual value of five pounds or upwards or is and hath been a house-keeper occupying any house the value of the annual rental of which if on the island of New Providence is not less than two pounds eight shillings, or if on any out island within the Colony is not less than one pound four shillings, for the space of six months within such city, town or district at the time of and preceding the said election shall be, and every such person is hereby declared to be competent to vote for any representative or representatives to serve as a member or members of the General Assembly for the city, town or district wherein he is a freeholder or house-keeper as aforesaid.

Proviso.

Provided always, that nothing herein contained shall prevent or be construed to prevent any person whose name stands on the Register of Voters now in force, who retains his qualification, and who shall be registered under any law passed during the present session of Assembly, from giving his vote at any election which shall be held for a member or members to serve in the General Assembly of these islands for the city, town or district for which he is registered as a freeholder or house-keeper.

To vote in polling division where recorded.

II. No elector qualified under the preceding section shall vote at the election of a member or members of Assembly for any particular district except in the polling division for which his name stands recorded.

III. No officer, non-commissioned officer, or soldier, of or belonging to Her Majesty's Troops or Forces stationed or in garrison within the said Bahama Islands, nor any Barrack-Master, Storekeeper, or other civil officer, or person there employed by or acting in the Commissariat Department, or in or under the Ordnance at the Ordnance establishment there, nor any other person whatsoever, actually borne upon the strength of any such garrison, within the said Islands, or there serving under the command of any officer, having commission from Her Majesty, shall be competent to vote as a housekeeper at any election hereafter to be holden within the said Bahama Islands, for any representative or representatives to serve as a member or members of the General Assembly of the said Islands for any island, district, or place within the same; *Provided always*, that nothing herein contained shall extend, or be construed to extend, to prevent any such officer, non-commissioned officer or soldier, Barrack-Master, Storekeeper, or other civil officer or person, or other person, as aforesaid, who shall otherwise be duly qualified to vote at any such election, for, or in respect of any freehold within the said Bahama Islands, from voting as a freeholder accordingly.

Military officers, &c., not competent to vote as housekeepers.

Proviso.

IV. No person or persons whatsoever except native British subjects, or foreigners duly naturalized by Act of Parliament or Assembly shall have any right to vote at the election of any member or members to serve in the General Assembly.

Right to vote by whom exercised,

V. No elector, qualified as above, shall vote, or offer to vote, for more than one freehold, house, or tenement, nor shall more than one person vote for the same freehold, within any island, city, town or district where an election for a member or members of the General Assembly shall be held; nor shall any person or persons, by reason or colour of being a tenant or tenants of any apartment, cellar, store or out-house, appertaining to, or being a part or appendage of a dwelling-house, or other tenement, presume to vote at any election within any island, city, town, or district where the same shall or may be held, upon penalty of forfeiting ten pounds of lawful money of these Islands.

Electors shall not vote on more than one freehold.

VI. No person whatever shall presume to transfer, alien, convey, or grant any property, right or interest in any freehold house or tenement to any person or persons with intent to qualify him or them to vote at any election of members of the General Assembly upon penalty of forfeiting fifty pounds.

Penalty.

Penalty on transferring property to qualify voters.

VII. All deeds of gift, conveyances or other transfers of property in any houses, lands or other tenements, collusively and fraudulently made with intent to enable unqualified persons to vote at any election of members to serve in the General Assembly, shall be taken as against the grantors as free and absolute, acquitted from all manner of trusts, releases, clauses of re-entry, or other mode of restitution; and all bonds, covenants, articles or other instruments for restoring thereof shall be void to all intents and purposes whatsoever; and every person executing such conveyance, or being privy to the devising and preparing it, or by colour thereof, giving or procuring a vote at any election of members as aforesaid, shall forfeit and pay for every such offence, on conviction thereof, the sum of twenty-five pounds.

Fraudulent conveyance of property valid against grantors, notwithstanding bonds, &c.

Penalty.

VIII. The following persons shall be deemed guilty of bribery and shall be punishable accordingly:—

Who deemed guilty of bribery.

- (1.) Every person who shall directly or indirectly by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure, or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid on account of any such voter having voted or refrained from voting at any election;

- (2.) Every person who shall directly or indirectly by himself or any other person on his behalf give or procure, or agree to give or procure, or offer, promise, or promise to procure, or to endeavour to procure any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election :
- (3.) Every person who shall directly or indirectly by himself or by any other person on his behalf make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in the General Assembly, or the vote of any voter at any election of members therefore :
- (4.) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise or endeavour to procure the return of any person to serve in the General Assembly or the vote of any voter at any election of members therefore :
- (5.) Every person who shall advance or pay, or cause to be paid any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election :

Penalty.

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of fifty pounds to any person who shall sue for the same, together with full cost of suit; *Provided always*, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bonâ fide* incurred at or concerning any election.

Proviso.

Further acts of bribery punishable.

IX. The following persons shall also be deemed guilty of bribery and shall be punishable accordingly :—

- (1.) Every voter who shall before or during any election directly or indirectly by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election.
- (2.) Every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

Penalty.

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of ten pounds to any person who shall sue for the same, together with full costs of suit.

Giving or providing refreshments to obtain votes an offence.

X. Every candidate at an election, who shall corruptly by himself, or by or with any person or by any other ways or means on his behalf at any time, either before, during, or after any election, directly or indirectly, give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay, wholly or in part, any expenses incurred for any meat, drink, entertainment, or provision to or for any person, in order to be elected, or for being elected, or for the purpose of corruptly influencing such person, or any other person

to give or refrain from giving his vote at such election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be deemed guilty of the offence of treating and shall forfeit the sum of Twenty-five pounds to any person who shall sue for the same, with full costs of suit; and every voter who shall corruptly accept or take any such meat, drink, entertainment or provision, shall be incapable of voting at such election and his vote if given shall be utterly void and of none effect.

Penalty.

XI. Every person who shall directly or indirectly by himself or by any other person on his behalf, make use of, or threaten to make use of, any force, violence, or restraint, or inflict or threaten the infliction, by himself or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practise intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election, or who shall by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce, or prevail upon any voter, either to give, or to refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence, and shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of Twenty-five pounds to any person who shall sue for the same, together with full costs of suit.

What constitutes undue influence.

Penalty.

XII. It shall not be lawful for any person holding a General License for the sale within an Election District of the Colony of Spirituous or other intoxicating liquors under "The Liquor Act, 1875," to keep open or sell in his shop in which he carries on his business as a Retailer of Spirituous and other liquors during the hours of the day on which a poll is being held for the election of any member or members of Assembly for any such district as aforesaid and any person offending against this section shall be liable to a penalty of Twenty pounds.*

Illegal to sell liquors during hours of election.

Penalty.

XIII. No candidate before, during, or after any election shall in regard to such election, by himself or agent, directly or indirectly, give or provide to or for any person having a vote at such election, or to or for any inhabitant of the city, town, or district for which such election is had, any cockade, ribbon, or other mark of distinction: and every person so giving or providing shall for every such offence forfeit the sum of Two pounds to such person as shall sue for the same, together with full costs of suit: and all payments made for or on account of any chairing, or any such cockade, ribbon, or mark of distinction as aforesaid, or of any bands of music or flags or banners, shall be deemed illegal payments within this Act.

Illegal to furnish cockade, &c., to electors.

Penalty.

XIV. No person having a right to vote at the election for any city, town, or district, shall be liable or compelled to serve as a special constable at or during any election for a member or members to serve in the General Assembly for such city, town, or district, unless, he shall consent, so to act: and he shall not be liable to any fine, penalty, or punishment whatever for refusing so to act, any statute, law, or usage to the contrary notwithstanding.

No elector to be forced to act as a special constable during any election.

XV. The pecuniary penalties hereby imposed for the offences of bribery, treating, or undue influence respectively shall be recoverable by action or suit by any person who shall sue for the same in any Court of law, within these Islands having jurisdiction for the respective amounts.

Penalties how recoverable.

Costs may be ordered.

Proviso.

Time fixed for prosecution of offences.

Electors protected from arrest for forty-eight hours before and after an election.

Penalties.

Penalty for fraudulent transfer property to procure election.

Time to test writs of election.

Public notice to be given of issuing of writs.

XVI. It shall be lawful for any Criminal Court, before which any prosecution shall be instituted for any offence against the provisions of this Act, to order payment to the prosecutor of such costs and expenses as to the said Court shall appear to have been reasonably incurred in and about the conduct of such prosecution; *Provided always*, that no indictment for bribery or undue influence shall be triable before any other than the General Court.

XVII. No person shall be liable to any penalty or forfeiture hereby enacted or imposed, unless some prosecution, action, or suit for the offence committed, shall be commenced against such person within the space of six calendar months next after such offence against this Act shall be committed, and unless such person shall be summoned or otherwise served with writ or process within the said space of time, so as such summons or service of writ or process shall not be prevented by such person absconding or withdrawing out of the jurisdiction of the Court out of which such writ or other process shall have issued; and in case of any such prosecution, suit, or process as aforesaid, the same shall be proceeded with and carried on without any wilful delay.

XVIII. No writ, execution or civil process whatsoever, shall issue to arrest the body of any person being qualified to vote at any election of Members to serve in the General Assembly, for at least forty-eight hours before the same shall commence, and for the like space of time after the close of the poll for such election; and every Agent, Attorney or Solicitor, moving, prosecuting, or issuing any such writ, execution, or process; and every Officer executing the same shall, for every such offence, forfeit to him that will sue therefor, the sum of Ten Pounds; and if it shall appear that any Plaintiff hath actually issued out such process, to the intent of hindering any person (qualified to vote) from being present at any such election, as aforesaid, or that such process has been issued by any Judge or other Magistrate, or executed by any Officer, with the like intent and design, all persons so offending, shall be liable to the following penalties, to wit: every such Plaintiff shall forfeit and pay double the value of his or her debt or demand, the Judge or Magistrate, Twenty-five Pounds, and the Officer executing the said process, Ten Pounds, all which fines and forfeitures shall be recovered and applied as hereinafter directed.

XIX. If any person offering himself as a Candidate at any election of Members to serve in the General Assembly of these Islands, shall make over, alien, transfer, grant, or otherwise convey by collusion or fraudulent means, any right, title, or interest in any Lands, Houses, or other Tenements, for the purpose of enabling persons to vote, who are not otherwise qualified, or shall by bribes, promises, threats, or other undue means, attempt to influence or contract for the vote of any Elector, or shall introduce Liquors, Meats, or other entertainments, either before or during the continuance of the Poll; or shall by himself, or persons employed by him, disturb or hinder any to make free election, every such Candidate so offending shall be incapacitated from serving as a Member of the General Assembly, for which such election shall be held during the sitting and continuance thereof.

XX. When any new General Assembly shall at any time hereafter be summoned or called, there shall be forty days between the teste and return of the writs of election; and that, as well upon the summoning or calling of any new General Assembly, as also in case of any vacancy in the present or any future General Assembly, the Secretary of the Colony shall deliver or transmit every such writ of election, with as much expedition as the same may be done, to the proper officer to whom execution of the same shall appertain.

XXI. Whenever any writ of election shall be issued from the Secretary's Office of these Islands, the Secretary, or person issuing the same,

shall forthwith give public notice thereof in the official newspaper of these Islands, in which Government notices are published, of the time such writ was delivered, or sent to any person or persons to be executed.

XXII. And whereas it is expedient that the proceedings at elections should be regulated and conducted in the manner hereafter set forth. Be it therefore enacted that from and after the coming into operation of this Act every candidate for election to serve in the General Assembly for any district within these Islands shall be nominated in writing. The writing shall be in the form in the schedule hereto annexed marked A, and shall be subscribed by two registered electors, of such district, as proposer and seconder, and shall be delivered during the time appointed for the election, where the election is to be held in the Island of New Providence, to the Provost Marshal, and where the same is to be held at any Out Island of this Government to the person appointed by the Provost Marshal to receive the same, by the candidate or his proposer or seconder.*

Candidates for election must be nominated in writing.

XXIII. When the Provost Marshal shall have received the writ for holding an election for a member or members to serve in the General Assembly for any Island or District, within this Government, he shall within ten days after receiving the same give public notice thereof in the form in the schedule hereto annexed, marked B, in the official newspaper of these Islands in which Government Notices are published, that, on a day and at a place to be named in such public notice, he will proceed to hold an election, and that on the day and at the place so named, between the hours of nine o'clock of the forenoon to twelve o'clock noon the nomination of candidates for election must be made in the manner provided for by the next preceding section, and stating the time and place or places at which a Poll will be held in case there are more candidates nominated than vacancies to be filled. *Provided*, that between the day appointed for the nomination of candidates and the day of holding a Poll, should one be necessary, a space of time not less than twelve days shall intervene.

Provost Marshal's proceedings on receipt of writ.

Proviso.

XXIV. If, at the expiration of the last hour appointed for receiving nominations, no more candidates stand nominated than there are vacancies to be filled up, the Provost Marshal, if the election is held in the Island of New Providence, shall forthwith declare the candidates who may stand nominated, to be elected, and shall annex the nomination paper to the writ of Election, upon which said writ he shall make return of the candidate or candidates so nominated, as being duly elected to serve in the said General Assembly for the Island or District named in the said writ; but if, at the expiration of such hour, more candidates stand nominated than there are vacancies to be filled up, the said Provost Marshal shall take a Poll in manner in this Act directed, at the time and places mentioned in the notice given by him.

Proceedings in case of uncontested elections.

In case of contested elections.

XXV. If, at the expiration of the last hour appointed for receiving nominations at any Out Island of this Government, no more candidates stand nominated than there are vacancies to be filled up, the officer who has been appointed by the Provost Marshal to receive the nomination papers for candidates for election, for such island or district, shall forthwith subscribe on the nomination paper received by him, and sign a certificate in the form in the Schedule hereto annexed, marked C, and immediately despatch the same to the Provost Marshal, and it shall be the duty of the said Provost Marshal, within twenty-four hours after the receipt of such nomination paper, with the certificate subscribed thereto, to declare and make announcement at some public place in the Island of

Proceedings at Out Island after nomination of candidates.

* By 51 Vic. c. 4, *post*, No. 8 of this Class, a declaration of qualification by a candidate must be delivered with the nomination paper.

New Providence, that the candidate or candidates named in such nomination paper has or have been duly elected for the said district, and shall thereupon annex such nomination paper to the writ issued for the election of a member or members for the said district upon which said writ he shall make return of the candidate or candidates so nominated as having been duly elected, to serve in the General Assembly for the district named in such writ; but if at the expiration of such hour so limited for nominations more candidates stand nominated than there are vacancies to be filled up, then, and in such case, a Poll shall be taken in such district in the manner in this Act directed at the time and places mentioned in the notice issued and given by the Provost Marshal.

Time for holding
poll in case of
contested elec-
tions,

XXVI. In case of a contested election, by reason of the number of candidates exceeding the number of vacancies to be filled, and it thereby becoming necessary to take a Poll, it shall be the duty of the Provost Marshal, or other person legally authorised, between the hours of eight in the morning and two of the afternoon of the day named in the notice issued as required by this Act (during all which time the poll shall be open), fairly, without partiality, to take the votes of the different electors, and administer the several oaths enjoined by this Act: and upon the final close of the poll shall sum up the number of the votes, and declare what candidate or candidates, as the case may be, has or have the majority, and shall annex the Poll List and other proceedings of such Election to the back of the Precept or Writ, whereon he shall make return of the candidate or candidates, as the case may be, having the majority of votes: and if a copy of the Poll shall be demanded by any candidate, or two or more electors, he shall forthwith give the same to him or them, who shall pay him all reasonable charges therefor; and in case of refusal or neglect of the said Provost Marshal, or other officer, to do and perform the several matters and things in this clause and the three preceding clauses enjoined, he shall forfeit for every such neglect, or refusal, the sum of Fifty Pounds.

Copy of poll list
to be furnished
if required.

Appointment of
deputies to hold
polls and their
duties,

XXVII. At every election to be held for a member or members to serve in any future House of Assembly for any district divided under the provisions of this Act, the officer to whom the writ of election is directed shall appoint a fit and proper person as deputy for each division of his district other than the division for which such officer shall intend himself to hold the poll: and in case of a contested election, polls shall be opened at each division as aforesaid, on the same day, and shall continue open during the time prescribed by law, and upon the closing of such polls the numbers shall be summed up, but no declaration made until the several poll lists shall have been delivered to the officer to whom the writ for holding the election is directed, when such officer shall, at a time and place to be appointed by him for that purpose, publicly proclaim the names of the different candidates, and the total number of votes polled for each, and shall then annex the poll list and other proceedings of such election to the precept or writ whereon he shall make return of the candidate or candidates having the majority of votes.

Vote tendered to
be checked by
registers of
voters.

XXVIII. No person shall be allowed to vote at any Election until and unless the Provost Marshal, or other officer holding the Poll, has ascertained by reference to the Register of Voters or in case of any election at one of the out-island districts, Lists of Voters for the polling division in which such person claims the right to vote, that the vote so tendered is good and valid, and all votes taken at any Election shall be checked off such Register or List of Voters by the person holding the Poll at such Election, so as to prevent any person from voting more than once at any one Election.

Nature of in-
quiries which
may be made
when votes are
tendered.

XXIX. In all Elections whatever of Members to serve in any future House of Assembly, no inquiry shall be permitted at the time of polling, as to the right of any person to vote, except only as follows: that is to

say, that the returning officer or his deputy shall, if required, on behalf of any candidate put to any voter at the time of his tendering his vote, and not afterwards, the following questions, or any or either of them, and no other :—

First.—Are you the same person whose name appears as A.B. on the Register of Voters now in force for the District of———?

Second.—Have you already voted at this election?

Third.—Have you the same qualification for which your name was inserted in the Register of Voters now in force for the District of———?

And when the person tendering his vote, having been registered as possessing more than one freehold property in the same District has alienated a part of the same prior to the said election, but still retains a sufficient freehold to entitle him to vote, then, and in such case, upon his answering in the negative to the last question the following additional question shall be put to him :—

Are you at this time the owner of any, and which, of the freehold premises, for which your name was inserted in the Register of Voters now in force for the District of———?

And if any person shall wilfully make a false answer to any or either of the questions aforesaid, he shall be deemed guilty of an indictable misdemeanour, and on conviction shall suffer such punishment by fine and imprisonment, or either, as the court before which the conviction may take place shall award.

XXX. It shall not be lawful for the returning officer at any election of a Member or Members to serve in any future House of Assembly, to receive the vote of any person whose name shall not be on the register in force at the time of such election, for the District for which such election is held, nor shall any scrutiny be held after any such election : *Provided always*, that every person whose name shall have been omitted from any register of voters in consequence of the decision of the Justices revising the list or lists from which such register shall have been formed, or who having claimed to have his name placed on such list, such name shall have notwithstanding been omitted by the person making out such list, may tender his vote at any election at which such register shall be in force, stating at the time the name or names of the candidate or candidates for whom he tenders such vote, and the returning officer shall forthwith make a memorandum on the back of the poll list of every vote so tendered.

Illegal to receive the vote of an unregistered person.

Proviso.

XXXI. The Provost Marshal, or other returning officer, shall, on the close of any poll, upon request, and at the cost and charges of any candidate, or any three electors on his behalf, grant a certified copy of the original writ and poll upon oath, which any magistrate, or any three electors present, are hereby authorized to administer, together with his return thereon, and all proceedings had under any such writ; which certified copy, upon being produced to the House of Assembly, shall, in the event of the loss of the original writ and proceedings, be of equal validity to all intents and purposes, with the original writ and proceedings, anything herein contained to the contrary notwithstanding.

Validity of certified copies of writs, &c., furnished candidates.

XXXII. The Provost Marshal, or other returning officer, sued for, or by reason of any matter or thing by him or them performed in pursuance of this Act, may plead the general issue, and give this Act and the special matter in evidence; and in case of judgment for the defendant, discontinuance, or nonsuit, defendant shall be entitled to treble costs.

Returning officer may plead general issue.

XXXIII. The Secretary of the Colony for the time being, shall, from time to time, enter, or cause to be entered, in a book for that purpose, to be kept in his office, every single and double return of any member or members to serve in the General Assembly which shall be

Secretary of the colony to record returns in his office.

returned or come into his office or to his hands ; and also every alteration and amendment which shall afterwards lawfully be made in every such return, to which book all persons shall have free access, at all reasonable times, to search and take true copies of so much thereof as shall be desired, paying a reasonable fee or reward for the same.

When writs may be executed.

XXXIV. All writs for the election of members to serve in the General Assembly may lawfully be executed, as well upon the day appointed for the return of the same, as upon any earlier day, notice of such election having been first given : and that every such writ or return may lawfully be received by the Secretary of the Colony, and entered in his book of returns at any time afterwards.

Remuneration for executing writs of election.

XXXV. The Provost Marshal (to whom all writs of election for the several districts of the Colony shall be directed), or his lawful deputy executing any writ of election, shall receive out of the Public Treasury, by warrant in the usual manner, the sum of three pounds six shillings and eight pence, and no more, for executing and making his return to every such writ, and the person taking the poll in any division or subdivision of an election district, shall in like manner receive the sum of two pounds for the services performed by him.

Payment of election expenses.

XXXVI. All necessary expenses which may be incurred by the Provost Marshal, or any his lawful deputy, in the transmission of Writs of Election, the hiring of houses to hold elections in, or otherwise incidental to carrying into execution the election laws of the Colony, shall, if approved of by the Governor in Council, be defrayed out of the Public Treasury by warrant in the usual manner.

Limits of electoral districts.

XXXVII. The limits, bounds, and extent of the several Election Districts of the Colony shall hereafter be as follows, to wit :—

*The District of the City of Nassau.**

Eastern District.

Eastern District of the Island of New Providence shall extend from Culmer-street and the line drawn therefrom across the Island aforesaid, to the Easternmost part of the said Island, and also all that part of Hog Island which lies opposite to the same, and all Cays situate Easterly of the City of Nassau, within five leagues of any part of the said Eastern District, shall be deemed and taken to be appurtenant thereto, and depending upon the said Eastern District ; and the

Western District.

Western District of the Island of New Providence aforesaid shall extend from, and comprehend all that part of the said Island which lies to the Westward of West-street, and the line drawn therefrom due South, across the Island aforesaid, and that part of Hog Island which lies opposite to the same, and all Cays situate to the Westward of the City of Nassau, within five leagues of any part of the said Western District, shall be deemed and taken to be appurtenant to and depending upon the said Western District.

Harbour Island.

The District of Harbour Island shall comprehend and include Harbour, Egg and Current Islands, and all that part of the Island of Eleuthera, commonly called West Eleuthera, which lies to the Westward of the isthmus or neck of land known as the "Narrow Passage," and all Islands and Cays situate and being within the distance of five leagues to the Westward of West Eleuthera aforesaid.

Eleuthera.

The District of Eleuthera shall extend from and include all that part of the Island of Eleuthera which lies to the Eastward of the aforesaid isthmus or neck of land called and known by the name of the

* The limits, bounds, and extent of this District as defined by this Act have been repealed by 58 Vic. c. 34, *post*, No. 12 of this Class, which divides the City of Nassau into two election districts.

"Narrow Passage," and all Islands and Cays situate and being within three leagues to the Eastward of the said Island of Eleuthera.

The District of San Salvador shall include the said Island of San Salvador and the Islands and Cays situate and being within the distance of three leagues of it. San Salvador.

The District of Exuma shall include Great and Little Exuma and the Islands and Cays situate and being within the distance of five leagues thereof, and comprehending all the Islands and Cays to the Westward as far as the Great Ship Channel Cays, inclusive. Exuma.

The District of Long Island shall include Long Island, the Islands and Cays situate and being within the distance of three leagues thereof, and the Island of Ragged Island and all Islands and Cays within eight leagues of it. Long Island.

The District of Crooked Island shall include Crooked Island, Acklin's Island, and the Islands and Cays situate and being within the distance of three leagues of them respectively. Crooked Island.

The District of Watling's Island and Rum Cay shall include Rum Cay and Watling's Island, and all Islands and Cays being within the distance of five leagues thereof respectively. Watling's Island.

The District of Inagua shall include the Islands of Inagua and Mayaguana and all Islands and Cays within three leagues of them respectively. Inagua.

The District of Abaco shall include the Island of Great Abaco and the Islands and Cays situate and being within the distance of five leagues thereof. Abaco.

The District of Grand Bahama shall include the Island of Grand Bahama, the Islands and Cays situate within five leagues thereof, and the Bimini Islands. Grand Bahama.

The District of Andros Island shall include Andros Island, the Berry Islands, and all Islands and Cays situate within five leagues of Andros Island. Andros Island.

XXXVIII. Each of the several election districts of the Colony shall send the following number of members to the General Assembly of these Islands at any future election which may be held within the respective districts, in virtue of any writ of election duly issued under the Great Seal of the Colony, that is to say:—

Number of members who may be elected.

NEW PROVIDENCE.

<i>City of Nassau</i>	..	<i>Four members.*</i>
Eastern District	..	Two members.
Western District	..	Two members.
Harbour Island	..	Three members.
Eleuthera	..	Three members.
San Salvador	..	Two members.
Exuma	..	Two members.
Long Island	..	Two members.
Crooked Island	..	One member.
Watling's Island and Rum Cay	.. } ..	One member.
Inagua	..	One member.
Abaco	..	Three members.
Grand Bahama	..	One member.
Andros Island	..	Two members.

* Repealed by 58 Vic. c. 34, *post*, No. 12 of this Class, which, dividing the City into two districts, enacts that each of such districts shall send two members to the General Assembly.

Salaried justices
not to interfere
with elections.

Penalty.

Penalties how
recovered.

Proviso.

Who may be
elected as
members.

Proviso.

Qualification of
members.

Oath of alle-
giance to be
taken by
members.

Qualification
oath.

XXXIX. It shall not be lawful for any salaried Justice to act as an agent, or to canvass or solicit votes, or to use any influence on behalf of any candidate seeking election as a member of the General Assembly of these Islands, other than himself, and the holder of any such office or place of profit aforesaid, who shall do or commit any act in contravention of this section shall be liable to a penalty of twenty pounds for every such offence.

XL All penalties in this Act mentioned, except such as are hereinbefore provided for, shall be recovered in the General Court of these Islands, by action of debt, or by bill of information, wherein no imparlance shall be allowed: one moiety whereof shall be to the use of our Sovereign Lady the Queen, Her Heirs and Successors, for and towards the support of the Government of these Islands, and the other moiety thereof shall be to the use of the informer, or him, her, or them who shall sue for the same; *Provided*, nevertheless, that all actions for the recovery of any such fines, forfeitures, and penalties shall be commenced within six calendar months after the default or neglect for which such fines, forfeitures, and penalties were imposed, and not afterwards.

XLI. No person (except as hereinafter excepted) shall be capable of being elected or serving as a member of the General Assembly of these Islands, unless being a male inhabitant and a natural-born British subject, or foreigner duly naturalized by Act of Parliament or of the General Assembly, of the age of twenty-one years or upwards, and who shall have been in these Islands twelve calendar months. *Provided also*, that no person claiming to be a British subject and born without the limits of this Government who shall offer himself for election at any election held under this Act shall be capable of being elected or serving as a member aforesaid unless he shall produce before the close of the poll at such election to the person holding the same a duly and properly authenticated certificate of his birth, in which full particulars shall be given of the place of his birth within the limits of the United Kingdom of Great Britain and Ireland or of any of the Colonies or dependencies thereof.

XLII. No person (except as hereinafter excepted) who shall be elected a member of the House of Assembly of the said Islands, for any island, district, or place within the same, shall sit or vote as a member of the said House, who shall not have an estate, real and personal, or personal property only, for his own life, or for some greater estate, either in Law or Equity, to and for his own use and benefit, over and above what will satisfy and clear all judgments and mortgages that may affect the same of the value of two hundred pounds.

XLIII. Every person, duly qualified as before mentioned, who shall be returned as a member to serve in the General Assembly of these Islands shall take and subscribe the Oath of Allegiance before he shall be admitted to a seat as a member of the said Assembly, and any such person refusing to take and subscribe such oath shall be deemed incapable of serving as a member of the General Assembly of these Islands for and during the continuance of such General Assembly.

XLIV. Every person (except as hereinafter excepted) who shall be elected to serve as a Member of the House of Assembly of these Islands shall, before he presume to vote in the said House of Assembly, or sit there during any debate in the said House, at the table in the middle of the said House, and whilst the House of Assembly is there duly sitting, with their Speaker in the Chair of the said House, take and subscribe the following oath: "I, A. B., do swear, that I truly and *bonâ fide* have such an estate in Law or Equity, of such value to and for my own use and benefit, over and above what will satisfy and clear all judgments and mortgages that may affect the same; as doth qualify me to sit and vote as a member of the House of Assembly of the Bahama

Islands, for any Island, district or place within the same, according to the tenor and true meaning of the Act of the General Assembly, entitled 'An Act for defining the qualifications of Electors, for regulating the manner in which Elections shall be held, for ascertaining and describing the bounds of the several islands and districts within this Government which send Representatives to the General Assembly, for regulating the qualifications of Members of the said General Assembly, for providing for the settlement and determination of controverted Elections, and for other purposes therein mentioned.' So Help me God ;" and the Speaker and any three members of the said House of Assembly are hereby empowered and required to administer the said oath, and take the said subscription, according to the direction of this Act, as occasion shall be, from time to time, to every person duly elected and demanding the same, immediately after such person shall have taken the Oath of Allegiance, at the said table; and the said oath and subscription, hereinbefore directed to be take and made, shall be entered in a book to be provided for that purpose by the Clerk of the House of Assembly, and shall be carefully kept by him.

XLV. Every member, except as hereinafter excepted, of the said House of Assembly at the commencement of every session of this, or any future General Assembly before any other business shall be entered upon, or in case of members who may not be present at the opening or commencement of any such session, or who may be elected members thereof during the continuance of such session, on the first day of every such member's attendance, before such member shall take his seat, shall deliver to the Chief Clerk of the said House a statement in writing, setting forth the nature of the qualification under which he is entitled to sit and vote in the said House, and if such qualification consist in the whole or in part of real estate, a description of such estate and where situate, together with a declaration thereto subjoined and subscribed by the member making the same, in the presence of the said Clerk that the ready money value of such real or personal estate, or of both combined as the case may be, is or are at the date of such declaration sufficient to qualify such member to sit and vote in the said House, according to the tenor and true meaning of the law in this respect, over and above the amounts of all judgments and mortgages affecting the same, and the said statements and declarations shall be filed by the said Clerk and be open to the inspection of the Members of the said House during the sittings thereof.

Statement of qualification to be delivered to clerk at commencement of every session.

XLVI. If the qualification of any member shall be at any time questioned by any other member, or by any three or more electors of the Island, district, or place represented by such member, by petition to the said House of Assembly, he may be required to show, by the proofs hereinafter mentioned to a select committee of five members of the said House appointed for that purpose at the commencement of every session, the sufficiency of such qualification; and if such member shall fail to establish the same to the satisfaction of the said House, or if in case of personal estate forming any part of such qualification, it shall be found that there is standing against such member in any Court of Record within these Islands one or more unsatisfied judgment or judgments, and the same shall not be liquidated and cancelled within ten days after notice shall have been given to this effect to such member, he shall be deemed disqualified, and his seat shall be declared vacated. *Provided, however,* that no member shall be liable to have his qualification questioned, or be required to prove the sufficiency thereof more than once in the same session, except in case of the Bankruptcy or Insolvency of such member, when upon proof of the fact of such Bankruptcy or Insolvency, of which the adjudication of the proper Court shall be deemed sufficient evidence, the seat of such member shall be declared vacated.

Mode of proceeding when qualification is questioned.

Proviso.

Mode of ascer-
taining value of
estate of
members.

XLVII. The value of real estate of any kind shall be the present market value of such estate in money, certified by the signature of two local Magistrates, or of one Magistrate and three freeholders of the Island, district, or settlement in which, or nearest to which, the same may be situated, corroborated by the certificate of the Surveyor-General of Lands, and shall afford the requisite qualification, after deducting from such certified value all and singular the judgments, mortgages, or other legal incumbrances, if any, affecting the said estate, and that the value of personal estate may be proved by the production of any lawful securities for money held in the name of, or payable to or for the use of the person producing the same, or by the renewal of the Oath of Qualification in the House.

Qualification
required of Colo-
nial Secretary,
Attorney-Gen-
eral, and Receiver-
General.

XLVIII. Any person holding the office of Colonial Secretary, or of Attorney-General, or of Receiver-General and Treasurer of these Islands, may be elected and may serve as a member of the General Assembly of these Islands, whatever his term of his residence in the Colony may have been, and when so elected shall be entitled to qualify as a member of Assembly in right of the office held by him without reference to the possession of any other property.

Writs and re-
turns to be laid
before the House.

XLIX. All writs for the election of members to serve in the General Assembly, together with the return or returns of the same, shall be produced and brought by the Secretary of the Colony or by some person by him thereunto appointed, in the House of Assembly upon the first day on which the House shall meet after the return of such writ or writs, at or before the hour appointed for the sitting of the House.

Proceedings
upon the death
of a member.

L. Upon the decease of any member of Assembly, during the recess thereof, the Speaker of the House of Assembly for the time being, upon receiving a notice of such decease, in writing, under the hand of any Magistrate, or under the hands of three freeholders resident upon the Island where such member died, is hereby required, as soon as conveniently may be, after such notice shall be given to him (or without such notice, if he shall be otherwise satisfied of the truth of the fact), to transmit an account in writing, under his hand, of the death of such member to the Governor for the time being : and in case of the death of the Speaker of the Assembly of these Islands for the time being, or in the event of the Speaker being absent without the limits of the same, with or without leave, upon the death of any member of the Assembly notice thereof shall be given in writing by any three members of the House of Assembly to the Governor for the time being.

How writs may
issue during
recess.

LI. It shall and may be lawful for the Governor for the time being, during the recess of the Assembly for more than twenty days, whether by prorogation or adjournment, from time to time and whenever he receive such notice as aforesaid, of a death of a member of the House of Assembly, from the Speaker thereof for the time being ; or in case of the death or absence of the Speaker without the limits of this Government, from three members thereof, as aforesaid, also in case any member of the Assembly shall during the recess thereof, as aforesaid, be called up to the Legislative Council, forthwith to direct the Secretary of these Islands to make out a writ for the election of a member of the House of Assembly in the room of the deceased member, or of members who shall be called up to the Legislative Council, and all and every writ and writs, which shall be made out during the recess of Assembly, as aforesaid, shall be directed and delivered to, and shall be executed by the Provost Marshal, in the same manner as writs of election issued during the sitting of the Assembly, and according to the directions of this Act.

Acceptance of
office of profit
renders election
void.

LII. If any person being chosen a member of the House of Assembly shall accept any office or place of profit under the Crown during such time as he shall continue a member, his election shall and is hereby declared to be void, and a new writ shall issue for a new election as if

such person so accepting office was naturally dead, provided that such person accepting office shall be capable of being again elected as if his place had not become void, as aforesaid.

LIII. If any member of Assembly shall at the time of his being elected a member of Assembly hold any office or place of profit under the Crown, any subsequent acceptance by him of any other office, whether in substitution of or in addition to the office or offices held by him at the time of his election, such subsequent acceptance shall not be considered, deemed or taken as an acceptance of office within the intent and meaning of the preceding section; but such member shall continue to sit and vote as a member of such House of Assembly, his subsequent acceptance of office to the contrary notwithstanding.

Acceptance of office by a member already holding office not to vacate his seat.

LIV. The acceptance by a member of the House of Assembly of an acting office during the absence of the permanent holder thereof on leave, or while such permanent holder is discharging, temporarily, the duties of another office, or during any other temporary incapacity of such permanent holder, shall not render void the election of such member, or be in any way considered as an acceptance of office within the intent and meaning of this Act.

Acceptance of acting office not to vacate member's seat.

LV. Upon the dissolution of the present, and any future House of Assembly, the person holding the office of Chief Clerk of the House at the time of such dissolution, or in the event of his death, removal from the Colony, or his declining to continue in the Office, the Assistant Clerk, shall remain in and have charge of, and be responsible for the proper and safe care and keeping of the books, papers, records, and archives of the House of Assembly of these Islands, until the meeting of the next succeeding House, when he shall either retain possession of the same, if elected to the said office of Chief Clerk to the House, or transfer the same to his successor in the said office as the case may be, and the Chief Clerk of the House or in the event of the occurrence of either of the contingencies mentioned, the Assistant Clerk shall be paid his salary during the period intervening between the dissolution of one House and the meeting of its successor.

Custody of Records of House of Assembly.

LVI. The House of Assembly in being at any future demise of the Crown shall not be determined or dissolved by such demise, but shall continue so long as it would have continued but for such demise, unless it should be sooner prorogued or dissolved by legal authority.

Demise of the Crown not to cause dissolution.

LVII. And be it enacted that every petition presented to the House of Assembly within the time from time to time limited by the House for receiving election petitions and complaining of an undue election or return of a member to serve in the General Assembly, or complaining that no return has been made according to the requisition of any Writ issued for the election of a member to serve in the said General Assembly, or complaining of the special matters contained in any such return, and which petition shall be subscribed by some person who voted or had a right to vote at the election to which the same relates, or by some person claiming to have had a right to be returned or elected thereat, or alleging himself to have been a candidate at the election, shall be deemed an election petition.

What shall be deemed an election petition.

LVIII. Whenever the member whose election or return is so complained of in such petition has given notice of his intention not to defend the same, he shall not be afterwards allowed to appear or act as a party against such petition in any proceedings thereupon, and he shall also be restrained from sitting in the said General Assembly or voting on any question until such petition has been decided upon.

Member whose return complained of restrained from sitting in Assembly.

LIX. In any election petition, any petitioner shall be at liberty to impeach the correctness of the Register of Voters in force at the time of any election complained of in such petition by proving that the name of any person who voted at such election was improperly inserted or

Register of voters may be impeached.

retained in such register, or the name of any person who tendered his vote was improperly omitted from such register; and the Select Committee of Elections before whom such petition shall come, shall alter the poll taken at such election according to the truth of the case; and the return shall be amended or the election declared void as the case may be, and the register corrected accordingly.

"Select Committee of Elections" to be appointed by Speaker.

LX. In the first session of every House of Assembly after a General Election on the day after the last day allowed by the House for receiving election petitions, and in every subsequent session, and as soon as convenient after the commencement of the session, the Speaker shall appoint seven members of the House, against whose return no petition is then depending, and none of whom is a petitioner, complaining of any election or return, to be members of a committee to be called the "Select Committee of Elections," which appointment he shall announce to the House, and the member first named by the Speaker shall be the Chairman of such Committee. If any vacancies should occur from any cause in the said Select Committee of Elections during any session of the House, such vacancy or vacancies shall be filled up by the Speaker and notified by him to the House.

Continuance of membership of Committee.

LXI. After the appointment of the Select Committee of Elections every member appointed shall continue to be a member of the said Committee until the end of that session of the Assembly, or until he ceases to be a member of the House of Assembly, or until he resign his appointment, which he may do by permission of the House, or until the said Select Committee report that he is disabled by continued illness from attending the Committee.

Quorum.

LXII. No business shall be transacted by the said Select Committee of Elections unless at least four members thereof be then present together.

Regulations to be made.

LXIII. Subject to the provisions of this Act, the Select Committee of Elections shall make regulations for the order and manner of conducting the business to be transacted by them.

Minutes to be kept.

LXIV. The Select Committee of Elections shall be attended by the Assistant Clerk of the House of Assembly, and such Clerk shall make a minute of all the proceedings of the Committee, in such form and manner as shall be from time to time directed by the Committee, and a copy of the minutes so kept shall be laid from time to time before the House of Assembly.

Evidence to be given.

LXV. Repealed by 57 Vic. c. 11.

LXVI. No evidence shall be given before the Select Committee on Elections against the validity of any vote not included in one of the list of voters attached to any election petition sent into the House of Assembly or upon any head of objection to any voter included in any such list other than one of the heads specified against him in such list.

Majority of votes to decide.

LXVII. All questions before the Committee shall be decided by the majority of voices, and whenever the voices are equal, the Chairman shall have the second or casting voice: and no member shall be allowed to refrain from voting on any question on which the Committee is divided.

Powers of Committee.

LXVIII. Every such Select Committee of Elections may send for persons, papers and records, and may examine any person who has subscribed the petition which such Select Committee are to try, and they shall examine all the witnesses who come before them upon oath, which oath the Clerk attending such Select Committee may administer: and if any person summoned by such Select Committee, or by the warrant of the Speaker of the House of Assembly (which warrants the Speaker may issue from time to time as he thinks fit), disobey such summons, or if any witness before such Select Committee give false evidence or prevaricate, or otherwise misbehave in giving or refusing to give evidence, the Chairman of such Select Committee, by their direction, may at any

time during the course of their proceedings, report the same to the House of Assembly, when the Speaker may, by warrant under his hand directed to the Sergeant-at-Arms attending the House of Assembly, commit such person to the custody of the said Sergeant without bail or mainprise, for any time not exceeding twenty-four hours, if the House be then sitting, and if not then for a time not exceeding twenty-four hours after the hour to which the House stands adjourned.

LXIX. Every person who wilfully gives false evidence before any Select Committee of Elections, under the provisions of this Act, or who wilfully swears falsely in any affidavit authorized by this Act to be taken shall, on conviction thereof, be liable to the penalties of wilful and corrupt perjury.

False evidence
how dealt with.

LXX. Every Select Committee of Elections shall try the merits of the return or election complained of in the election petition referred to them, and shall determine by a majority of voices whether the sitting members or either of them, or any and what other person were duly returned or elected, or whether the election be void, or whether a new writ ought to issue, which determination shall be final and as soon as may be reported to the House, and the House shall make such orders thereon as shall be necessary for carrying into effect such determination.

Committee to
report their de-
termination to
the House.

LXXI. If the General Assembly be prorogued after the appointment of the Select Committee of Elections, but before they have reported to the House of Assembly their determination upon any election petition referred to them, such Committee shall not be dissolved by such prorogation, but shall be thereby adjourned to the day immediately following that on which the Assembly meets again for the despatch of business (Sunday, Good Friday, Christmas-day, or any other legal holiday excepted); and all such proceedings of such Committee shall be of the same force and effect as if the General Assembly had not been so prorogued; and such Committee shall meet on the day on which it is so adjourned, and shall thenceforward continue to sit in the matter herein-after provided until they have reported to the House of Assembly their determination on the merits of such petition.

Prorogation of
House not to
dissolve Com-
mittee.

LXXII. Nothing herein contained shall be construed to affect, impair or interfere in any manner with the rights, powers, authorities and privileges of the House of Assembly of these Islands, as the same have been hitherto enjoyed and exercised by the said House, under or by virtue of any charter, deed, usage, law or custom whatsoever.

Ancient privi-
leges of House
reserved.

LXXIII. All former Acts of the General Assembly relating to or concerning the election of members of Assembly or to the qualification of electors, candidates, or members, shall be from and after the passing of this Act suspended, and all and every such Act and Acts, and every matter and clause therein contained, are hereby suspended accordingly for and during the continuance of this Act.

Acts suspended.

LXXIV. This Act may be cited for all purposes as the "Election Act, 1885."

Title of Act.

LXXV. This Act shall not come into operation unless and until the Officer administering the Government notifies by proclamation that it is Her Majesty's pleasure not to disallow the same; and thereafter it shall come into operation upon such day as the Officer administering the Government shall notify by the same or any other proclamation.*

When Act shall
come into opera-
tion.

* Came into operation 15th June, 1886.

Schedule.

SCHEDULE.

A.

NOMINATION PAPER.

Nomination
paper.

We the undersigned registered electors for the District of (here insert particular electoral district) do hereby nominate (here insert the name or names of the candidate or candidates proposed for election) as fit and proper person or persons (as the case may be) to represent the said District in the General Assembly of these Islands.

Dated at this
day of 18 .

A. B.
C. D.

B.

ELECTION NOTICE.

Provost Marshal's Office,
Nassau, N. P.

Election notice.

In accordance with the "Election Act, 1885," I do hereby, by virtue of and pursuant to a writ of election directed to me for the election of member (or members as the case may be) to represent the District of (here insert District) in the present General Assembly of these Islands (or in case of a new Assembly) in the General Assembly of these Islands, to be holden in the City of Nassau on the day of (next or instant), give public notice that on the day of next, an election will be held at (here state name of city or town) in the Island of , on which day, between the hours of nine in the morning and twelve o'clock noon, the nomination papers of candidates for election will be received by (state name of person appointed to receive same), at (state place where same will be received); and I do hereby further give notice that in case there are more candidates nominated on that day than there are vacancies to fill, polls will be held on the day of next, by the following persons at the undermentioned places, viz.: (here insert the names of persons appointed to hold polls and the places for which they have been appointed).

E. F.,
Provost Marshal.

C.

Certificate.

I , the person appointed by the Provost Marshal of these Islands to receive the nomination papers of candidates for election to serve in the General Assembly of these Islands for the District of , do hereby certify that the foregoing is the only nomination paper delivered to me on this day for a candidate for election for this District. Witness my hand at this in the Island of this 18 day of

G. H.

No. 5.

48 and 49 Vic. c. 30. *An Act for regulating the Registration of Persons entitled to vote at the Election of Members to serve in the House of Assembly of the Bahama Islands.* (Assented to 3rd July, 1885.)

WHEREAS it is expedient to repeal the law at present regulating the Registration of Voters, and to form a new Register of all persons entitled to vote in the Election of a Member or Members to serve in any future House of Assembly of these Islands; May it, &c. **PREAMBLE.**

I. No person shall be entitled to vote in the election of a member or members to serve in any House of Assembly of the Bahama Islands except he shall be duly registered according to the respective provisions hereinafter contained. **Registered persons only to vote.**

II. It shall be lawful for the Governor as soon as practicable after the coming into operation of this Act to appoint a sufficient number of Commissioners to prepare Lists of persons entitled to vote at the Election of Members of Assembly in the manner hereinafter mentioned. **Commissioners to be appointed.**

III. One or more of such Commissioners shall be appointed for each Election District of the Colony, and it shall be lawful for the Governor to name in what particular Division or Divisions of such District each Commissioner so appointed shall act for the purpose of carrying out the provisions of this Act with respect to receiving and deciding on claims of persons entitled to vote. **District to be defined.**

IV. There shall be stated in the Notice of their appointment the day on which the duties of such Commissioners shall commence, and on the day so named between the hours of ten in the morning and two in the afternoon, and between the same hours on each corresponding day of the week for the period of twelve weeks succeeding the day named in the said Notice each Commissioner shall sit at a place within the District or Division of a District to which he has been appointed, to be specified as hereinafter mentioned, and receive and decide on the claims of all persons desiring to have their names entered on the List of Voters for the District or Division of a District to which he has been appointed as aforesaid. **Notice of appointment and of date of commencement of duties to be given.**

V. It shall be the duty of such Commissioners to place on the said Lists according to the form in the Schedule hereto annexed the nature of the qualification, and the name of every person on whose behalf a claim shall be made to be inserted therein, and whose right as a voter shall be established to the satisfaction of the said Commissioners. **Duty of Commissioners.**

VI. Each Commissioner shall at least seven days before the day named for entering upon his duties under this Act, cause Notices to be posted throughout the District or Division of a District to which he has been appointed, stating the days on which he will sit and the place at which his sittings will be held. **Time and place of sitting.**

VII. The various Election Districts of the Colony shall be divided into Polling Divisions in the manner to be hereinafter described, and it shall be the duty of the said Commissioners to prepare separate Lists for each of the said Polling Divisions to which they may be appointed and to insert the names of the several persons whose claims have been established as voters for the District in the List of such Polling Division of the District as the said persons may select. **Separate list to be prepared for each polling division.**

VIII. The various Election Districts of the Colony shall be divided into the following Polling Divisions, that is to say: **Polling divisions of**

*The City District of the Island of New Providence.**

City District.

* The Polling Divisions into which this District was divided have been repealed, and others formed by 58 Vic. c. 35, post, No. 13 of this Class.

Eastern District of New Providence.

Eastern District.

Polling Division No. 1.—That part of the Island of New Providence contained between Culmer Street and a line drawn from the Southern end thereof across the Island to the Sea, and Church Street, and a line drawn from the Southern end thereof across the Island to the Sea.

Polling District No. 2.—That part of the Island of New Providence included between Church Street and a line drawn from its Southern end Southerly across the Island to the Sea, and the Village Road and lines drawn respectively from the Northern and Southern ends thereof across the Island to the Sea.

Polling Division No. 3.—Shall extend from the Village Roads and the lines drawn from the Northern and Southern ends thereof respectively across the Island to the Easternmost part of the said Island.

Western District.

Western District of New Providence.

Polling Division No. 1.—All that portion of the Island of New Providence lying between West Street on the East and De la Port Point on the West, and a line drawn Southwardly from the Southern terminus of West Street to Harold Road, and a line drawn Southwardly from De la Port Point to meet a line drawn Westwardly from the Western terminus of Harold Road.

Polling Division No. 2.—All that part of the Island of New Providence situate between a line drawn Southwardly to the Sea from the junction of the line running South from the Southern terminus of West Street to Harold Road, and a line drawn from the Western boundary of Adelaide Settlement North and South from Sea to Sea; and South and West of the Southern and Western boundary lines of Polling Division No. 1.

Polling Division No. 3.—All that portion of the Island of New Providence lying West of the Western boundary line of Polling Division No. 2.

Harbour Island.

*The District of Harbour Island.**

Polling Division No. 1.—Harbour Island.

Polling Division No. 2.—St. George's Cay.

Polling Division No. 3.—The Current Settlement, and Current Island.

Eleuthera.

The District of Eleuthera.

Polling Division No. 1.—All that part of the island of Eleuthera extending from Gregory Town, to Alice Town, Hatchet Bay.

Polling Division No. 2.—All that part of the island of Eleuthera, from Hatchet Bay East, up to and including Governor's Harbour.

Polling Division No. 3.—The settlements of Palmetto Point and Savannah Sound.

Polling Division No. 4.—Tarpum Bay, or Glenelg.

Polling Division No. 5.—Rock Sound.

Polling Division No. 6.—All that part of the island lying South of Rock Sound.

San Salvador.

The District of San Salvador.

Polling Division No. 1.—Arthur's Town, and the settlements in the vicinity of Orange Creek.

* By 59 Vic. c. 20, *post*, No. 15 of this Class, the Bluff and Bogue Settlements have been formed into separate Polling Divisions of this District and numbered respectively 4 and 5.

Polling Division No. 2.—The settlements of Bennetts' Harbour, and the Bluff.

Polling Division No. 3.—The settlement known as Smiths' Bay.

Polling Division No. 4.—The settlement known as the Bight.

Polling Division No. 5.—The settlements at Port Howe, and Devil's Point.

The District of Exuma.

Exuma.

Polling Division No. 1.—The island of Little Exuma.

Polling Division No. 2.—George Town, Moss Town, and all settlements Eastwardly up to the Ferry.

Polling Division No. 3.—Harts and all settlements Westwardly from Moss Town.

The District of Long Island.

Long Island.

Polling Division No. 1.—The Southern portion of the island from the South end up to and including Clarence Town.

Polling Division No. 2.—That portion of the island from Clarence Town to the Bight including Deadman's Cay.

Polling Division No. 3.—That portion of the island from the Bight to and including Sims' settlement.

Polling Division No. 4.—That portion of the island from Sims' to the North end.

Polling Division No. 5.—Ragged Island and all settlements adjacent thereto.

The District of Crooked Island.

Crooked Island.

Polling Division No. 1.—Fortune Island.

Polling Division No. 2.—Crooked Island.

Polling Division No. 3.—Acklin's Island.

The District of Rum Cay and Watling's Island.

Rum Cay.

Polling Division No. 1.—Rum Cay.

Polling Division No. 2.—Watling's Island.

The District of Inagua.

Inagua.

Polling Division No. 1.—The islands of Inagua and Mayaguana.

The District of Abaco.

Abaco.

Polling Division No. 1.—Green Turtle Cay.

Polling Division No. 2.—Old Place and the neighbouring settlements on the Mainland of Great Abaco.

Polling Division No. 3.—Hope Town.

Polling Division No. 4.—Marsh Harbour, East Marsh Harbour, and all Cays to the South-west as far as Whale Cay.

Polling Division No. 5.—Cherokee Sound, Sweeting's village, and Moose Island.

The District of Grand Bahama.

Grand Bahama.

Polling Division No. 1.—From the East end of the Island, including settlements of Lightbourn and Sweeting Cays and Carrion Crow Harbour, to and including the settlement of Free Town.

Polling Division No. 2.—From the settlement of Free Town, including Peterson Cay to the Western end of Holmes' Rock Settlement.

Polling Division No. 3.—From Holmes' Rock to the West end of the island.

Polling Division No. 4.—The Biminis.

The District of Andros Island.

Andros Island.

Polling Division No. 1.—Nicolls' Town District, August Town, and all the settlements to the West and North-west thereof.

Polling Division No. 2.—Fresh Creek District, and all settlements between August Town and Wood Cay.

Polling Division No. 3.—Long Bay Cay District, and all settlements to the South thereof.*

Polling Division No. 4.—The Berry Islands.

Lists to be returned to Provost Marshal.

IX. It shall be the duty of the said Commissioners at the expiration of the period hereinbefore named for receiving and deciding on claims to return the Lists of Voters prepared by them to the office of the Provost Marshal of the Colony.

Lists to be copied in a book.

X. That on receipt of the said Lists the Provost Marshal shall forthwith cause the List or Lists of each District to be fairly and truly copied into a book to be provided for that purpose at the public expense, and every such Book shall be deemed the Register of Electors for the District to which such Register shall relate.

Register to continue in force for five years.

XI. That the said Register or Registers prepared as aforesaid, shall be considered as the original Register of Voters for the respective Election Districts of the Colony, and shall continue in force for a period of five years from the first day of December in the year of our Lord one thousand eight hundred and eighty-six, and until the formation of a new Register as immediately hereinafter provided for.

Alphabetical lists to be made out every five years.

XII. At the expiration of the said term of five years, and at the end of every further period of five years, full and complete Alphabetical Lists, according to the form in the Schedule to this Act annexed, shall be made out for each Polling Election District of the Colony of persons entitled to vote in every such Division in the Election of a member or members of Assembly, and every such List when completed shall be signed by the person making the same who shall cause a sufficient number of copies to be written or printed and to be fixed up in some public and conspicuous situation within the Polling Division of the District for which any such List is made, for the space of fourteen days, during which period it shall be lawful for any Freeholder or Housekeeper of the District to object to any person whose name shall appear in such List, and upon notice of such objection being given, within the time aforesaid to the party by whom such List was made, he shall forthwith write against the name of the person objected to, the words "objected to by" (inserting the name of the person making the objection); and it shall also be the duty of the person by whom any such List is made out as aforesaid, if he shall have reasonable cause to believe that any person whose name is inserted in such List is not entitled to vote in the election of a member or members for the District for which the List is made out, to write the words "objected to" against the name of every such person and to sign his name thereto.

Lists to be delivered to Provost Marshal.

XIII. It shall be the duty of the persons by whom such Lists are made out as aforesaid to return and deliver the same, as soon as practicable after the expiration of the said fourteen days, to the office of the Provost Marshal of the Colony.

After lists are revised, Provost Marshal to cause same to be copied into books.

XIV. These Lists shall be forwarded or delivered by the Provost Marshal to the Revising Officers to be appointed as hereinafter provided for, and the Provost Marshal shall, after the Lists have been revised and returned to him by the said officers, cause the Lists to be fairly and truly copied into Books to be provided for that purpose at the public expense, and each set of these Books shall in its turn be accepted, taken

* Amended by 50 Vic. c. 8, by the addition of the words "and Mangrove Cay and Wood Cay," *post*, No. 7 of this Class.

and known as the Register of Electors entitled to vote in the choice of a Member or Members of Assembly for the various Districts of the Colony, and shall continue in force for a period of five years and until a further and new Register shall be formed as provided for by this Act.

XV. In the month of October, in the year of our Lord one thousand eight hundred and eighty-seven, and in the month of October in each and every succeeding year, excepting those years in which full and complete Quinquennial Lists are prepared as provided for by the twelfth section of this Act, Alphabetical Lists according to the form to this Act annexed shall be made out for each Polling Division of the various Election Districts of the Colony, of persons whose names are not already in the Register for the time being but who claim to be entitled to vote in any such Polling Division in the Election of a member or members of the House of Assembly of these Islands, and any such List when completed shall be signed by the person making the same, who shall also conform in every way to the requirements imposed by the twelfth and thirteenth sections of this Act upon persons preparing the Quinquennial Lists of Electors.

Alphabetical lists to be made out annually in the month of October.

XVI. If any person or persons shall wilfully deface, obliterate, destroy, or remove any List fixed and put up in a public place as directed by the twelfth section of this Act, he or they shall upon conviction before any one of Her Majesty's Justices of the Peace, be committed to any lawful prison within these Islands, there to be kept to hard labour for a term not exceeding seven days.

Penalty for defacing, &c., lists.

XVII. These annual Lists shall be forwarded or delivered for Revision by the Provost Marshal to the Revising Officers to be appointed as hereinafter provided for, and the Provost Marshal shall, after these Lists have been revised and returned to him by the said Officers, forthwith cause the names in such Lists to be added to the Register of Voters for the time being for the respective Election Districts for which such Lists shall have been made out, and such Register with the additional names to be inserted as aforesaid, shall, until the next Quinquennial List shall be prepared and a new Register completed, be deemed the Register of Electors for the District to which such Register shall relate at any Election which may take place thereafter.

Annual lists to be revised and returned to Provost Marshal.

XVIII. The Lists of Voters shall be made out by persons from time to time to be appointed for the purpose by the Governor, and every such person shall be entitled to have and receive the sum of three pence for each and every copy sheet of ninety words contained in the List prepared by him, such remuneration to be paid out of the Public Treasury of the Colony by warrant of the Governor on the certificate of the Provost Marshal that the List has been duly made and delivered to him in pursuance of the provisions of this Act, and that it contains the quantity of matter for which remuneration is charged.

Persons to be appointed by the Governor.

Remuneration,

XIX. It shall be the duty of the persons preparing the Quinquennial and Annual Lists, to insert the names of the parties entitled to vote on the List of such Polling Division of the District as the parties entitled to vote in such District may select.

Duty of persons preparing lists.

XX. It shall be lawful for the Governor annually to appoint fit and proper persons to act as Revising Officers for the respective Election Districts of the Colony.

Revising officers to be appointed annually.

XXI. It shall be the duty of the Provost Marshal of the Colony on being informed of the appointment of such Revising Officers to forward to them as soon as practicable the latest Quinquennial List of Voters of the particular Districts to which the said Officers may be appointed, and also the Annual Lists of Voters if any prepared subsequently to the making of the said Quinquennial List.

Lists of voters to be forwarded to revising officers.

XXII. Courts of Revision shall be held in each election district of the Colony by the officers aforesaid, on the first Monday in December

Courts of revision to be held in December of every year.

in every year, which Courts shall remain open for at least three successive days, for the purpose not only of deciding on objections, but for receiving and deciding on claims; and it shall be the duty of such Revising Officers to add to the Lists furnished them the name of every person on whose behalf a claim shall be made to be inserted therein, and whose right as a voter shall be established to their satisfaction, and to remove therefrom the name of every person who shall not be able to establish his right to vote as aforesaid.

Any number of freeholds may be inserted if claimed.

XXIII. It shall be lawful for any person claiming to have his name placed on any List as aforesaid, at his option, to have inserted according to the form of the Schedule to this Act annexed, any number of freeholds in respect of which he claims the right to vote in the election of a member of the House of Assembly, for the district for which such List is made out, and every such person shall retain such his right to vote without a new claim so long as he continues the owner of any one of the freeholds inserted in such List.

Names which may be removed.

XXIV. It shall also be the duty of such Revising Officers to remove from the Lists of Voters the name of any person who may have died or who may have ceased to possess the qualifications for which he was originally registered; or who may have become otherwise disqualified; *Provided always*, that no person residing at the time within the Colony shall be liable to have his name removed from any Register of Voters on the ground of disqualification, unless due notice shall have been given to him of the fact of his qualifications being questioned, and an opportunity afforded him of being heard before the Revising Officer in support of the same.

Proviso.

Onus of proof to lie on party claiming the right.

XXV. In all cases examined into by such Revising Officers the onus of proof shall lie on the party claiming the right to vote, and it shall be lawful for such Revising Officers to examine on oath or affirmation (where affirmations are allowed by law) all persons appearing before them in support of, or in opposition to, any claim to vote, and any person taking any oath or making any affirmation under this Act, who shall swear or affirm falsely, shall be deemed guilty of perjury, and shall be punished accordingly.

Lists to be returned to Provost Marshal.

XXVI. Whenever such Lists shall be revised as aforesaid they shall be returned to the Office of the Provost Marshal of the Colony.

Duty of Provost Marshal to examine lists.

XXVII. It shall be the duty of the Provost Marshal immediately to examine the said Lists on their being revised and returned as aforesaid, and if the period of time has not arrived for the formation of a new Register to remove from the Register of Voters for the time being all names entered therein which have been struck off or removed from the said Lists by the Revising Officers.

Registers may be inspected and copies obtained.

XXVIII. The several Registers and Lists of Voters aforesaid shall be open to the inspection of the public during the office hours of the officer in whose custody they are, and any person may copy the same, free of charge, or obtain a copy of such registers, or lists, or extracts therefrom, on payment for the same at the rate of three pence per copy sheet of ninety words.

Provost Marshal to forward certified copies to out-islands.

XXIX. That the Provost Marshal shall cause a fair copy of the Lists of Voters for each of the Election Districts of the Colony other than those in the Island of New Providence to be made at his office immediately after the Lists have been received from the parties preparing the same, and it shall be the duty of the said Provost Marshal to forward to the Resident Justice or Assistant Resident Justice of each of the Election Districts on the Out-islands of the Colony, a copy (certified to be correct) of the List of Voters for the District to which the said Justice may be appointed.

Copies to be subject to inspection.

XXX. These copies certified to be correct as aforesaid, shall be retained in the custody of the said Justices subject to public inspection,

and that copies of the same may be made by any person free of charge.

XXXI. The Provost Marshal shall as soon as practicable after the Lists of Voters for the various Election Districts of the Out-islands have been revised and returned to his office by the Revising Officers appointed under this Act cause separate Lists to be made of the names of voters which have been removed from and added to the Lists of Voters for the said Districts by the said Revising Officers and shall forward to the Resident Justice or Assistant Resident Justice of each of the Election Districts of the said Islands a list of the names so added to and removed from the List of Voters for the District to which the said Justice may be appointed, and it shall be the duty of the said Justice on receipt of the said Lists to forthwith add or remove, as the case may be, the said names to or from the certified copy of the List of Voters then in his custody under and by virtue of the preceding section.

Duty of Provost Marshal after out-island lists have been revised.

XXXII. It shall be the duty of the several persons appointed to prepare the annual Lists of the Voters where the Lists to be prepared are those for the Election Districts of the Island of New Providence, to examine the Register of Voters for the time being, and where the Lists are those of any of the Election Districts on the Out-islands to examine the certified copies of the Lists of Voters in the custody of the Resident Justices or Assistant Resident Justices of the various Districts, and to make therefrom a list of the names of all persons then being on such Register or Lists who the person making the annual List shall have cause to believe are dead, or have ceased to be qualified to vote for the particular district to which such List relates, and every List so prepared shall be submitted to the Revising Officer for the district, whose duty it shall be to enquire into the correctness of the several allegations therein and to alter the lists submitted to him for revision in all instances whenever the death or disqualification of the registered Voter has been sustained to his satisfaction.

Duties of en-rollers of voters and revising officers as to registered voters.

XXXIII. All expenses which may be incurred by the Provost Marshal in registering the names of the Voters for the various Election Districts of the Colony and in obtaining copies of the various Lists to be forwarded to the Resident Justices and Assistant Resident Justices shall, if approved by the Governor in Council, be defrayed out of the Public Treasury by warrant in the usual manner.

Payment of expenses incurred by Provost Marshal.

XXXIV. This Act may be cited for all purposes as "The Registration of Voters Act, 1885."

Title of Act.

XXXV. Repealed by 49 Vic. c. 10.

SCHEDULE.

BAHAMA ISLANDS.

LIST OF PERSONS ENTITLED TO VOTE IN THE ELECTION OF MEMBERS
OF ASSEMBLY FOR POLLING DIVISION OF
FOR THE YEAR 18 .

Margin.	Name of Voter.	Place of Abode.	Nature of Qualification.	Particular Situation of Property in right of which a Vote is claimed.
	Adam, J. Henry	City of Nassau	Freeholder	House and lot in Bay Street.
	Barton, Thomas	City of Nassau	Housekeeper	House and lot in Frederick Street.
	Cuming, William	{ Western District of New Pro- vidence }	Freeholder	A lot of land in Grant's Town.
	Doyle, J. William	Eleuthera	Freeholder	House and lot in Parliament Street. Also house and lot in George Street.

No. 6.

49 Vic. c. 10. *An Act to amend "The Registration of Voters Act, 1885."* (Assented to 26th May, 1886.)

I. The thirty-fifth section of "The Registration of Voters Act, 1885," shall be and the same is hereby repealed.

II. The following shall be read as the thirty-fifth section of the said Act in lieu of the one hereby repealed :—

XXXV. This Act shall commence and take effect on the first day of July, A.D. 1886, when all Acts of Assembly now in force regulating the registration of persons entitled to vote at the election of members to serve in the House of Assembly of these Islands shall be repealed. *Provided, however,* that such repeal shall not affect the validity of any Registers and Lists of Voters then in force, which said Registers and Lists shall remain and continue in force until the first Register of Voters required by this Act to be prepared shall have been prepared, after which the said Registers and Lists prepared under the Acts hereby repealed shall cease to be in force, or have any effect whatever.

III. Temporary.

No. 7.

50 Vic. c. 8. *An Act to amend "The Registration of Voters Act, 1885."* (Assented to 6th May, 1887.)

I. On the passing of this Act, Polling Division No. 3 of the District of Andros Island shall be read as follows :—

Extends Polling
Division No. 3,
Andros Island.

Polling Division No. 3, Long Bay Cay District, and all settlements to the South thereof, and Mangrove Cay, and Wood Cay.

II. All lists of voters prepared under the authority of "The Registration of Voters Act, 1885," for the District of Andros Island, and now in the custody of the Provost Marshal, and which include in Polling Division No. 3 of that Island the names of persons entitled to vote as housekeepers or freeholders in and of the settlements of Mangrove Cay and Wood Cay, shall have the same force and effect as if those settlements had been originally named in such Division on the passing of the said Act, and shall be valid hereafter for all purposes under the said Act.

Lists of voters
made valid.

No. 8.

51 Vic. c. 4. *An Act further to amend "The Election Act, 1885."* (Assented to 28th March, 1888.)

I. When the Provost Marshal shall have received a writ for holding an election for a member or members to serve in the General Assembly for any Island or District within this Government, and shall have given notice of the holding of an election as required by the twenty-third section of "The Election Act, 1885," it shall not be lawful for the said Provost Marshal, or the officer appointed by him for such purpose under the twenty-second section of the aforesaid Act, to receive on the day appointed for receiving nomination papers a nomination paper for the nomination of any person as a candidate for election at the election then being held, unless at the time when such nomination paper is tendered for delivery there is also tendered and delivered to the said Provost Marshal or officer as aforesaid a declaration signed and made before a Justice of the Peace by such person to the effect that such person possesses the qualification required by law which entitles him if elected to sit and vote as a member of the House of Assembly of these Islands.

Declaration of
qualification to
sit in House of
Assembly must
accompany no-
mination paper.

II. Such declaration shall be in the form in the Schedule hereto annexed, and shall be attached to the Writ of Election when returned in the same manner as required by law in the case of nomination papers.

Form of declara-
tion.

III. Declarations under this Act shall be made and dated, in the case of persons being within the Colony at the time the nomination paper in which he is named as a candidate is tendered to the Provost Marshal or officer as aforesaid, on a day not more than thirty days prior to the day appointed for receiving nominations, and in the case of persons not being within the Colony at the time aforesaid on a day not more than four months prior to the day appointed for receiving nominations.

When declara-
tion should be
made.

IV. Every person wilfully and corruptly making a false declaration under this Act shall be liable, on conviction, to be punished in the same and the like manner as parties making false declarations are now punishable under and by virtue of the Act of Assembly twenty-nine Victoria, chapter four.

Punishment for
false declara-
tions.

V. This Act shall not come into operation unless and until the Officer Administering the Government notifies by proclamation that it is Her Majesty's pleasure not to disallow the same; and, subject as afore-

When Act shall
come into opera-
tion.

said, it shall come into operation on the first day of January, A.D. 1889, or so soon after that day as such proclamation as aforesaid shall be made.

Schedule.

SCHEDULE.

BAHAMA ISLANDS.

I (here insert name of person to be nominated, place of abode, and addition) Do Hereby solemnly declare, that I am possessed of the Qualification required by law to entitle me to sit and vote in the House of Assembly of the Bahama Islands, if elected thereto.

Declared to this

day of

Before me

A.D. 18

J. P.

No. 9.

52 Vic. c. 27. "*The Public Establishments Act, 1889.*" (Assented to 23rd May, 1889.)

Resident justice of Eleuthera to be custodian of lists of voters for Gregory Town and Hatchet Bay.

XIV. The Resident Justice of Eleuthera shall be the custodian of the copies of the Lists of Voters for the District of Gregory Town and Hatchet Bay although such settlements are in the Magisterial District of the Resident Justice of Harbour Island.

No. 10.

57 Vic. c. 11. *An Act further to amend "The Election Act, 1885."* (Assented to 2nd April, 1894.)

Repeal.

I. The sixty-fifth section of "The Election Act, 1885," shall be and the same is hereby repealed.

II. The following shall hereafter be substituted and read as the sixty-fifth section of the said Act:

Select Committee of Elections how sworn.

LXV. The members of the Select Committee of Elections shall be sworn at the table of the House by the Chief Clerk well and truly to try the matter of any petitions that may be referred to them, and a true judgment to give according to the evidence; and such oath may be taken by the said members either together or singly on the day of their appointment or at any meeting of the House for the despatch of business that may take place within seven days after such appointment.

No. 11.

58 Vic. c. 12. *An Act to render certain salaried officials ineligible for election to the House of Assembly.* (Assented to 26th April, 1895.)

Certain officials ineligible for election to the

I. No person holding the office of Stipendiary and Circuit Magistrate or of Resident Justice or Assistant Resident Justice within the Colony

shall be capable of being elected or of serving as a Member of the House of Assembly of these Islands.

House of Assembly.

II. The provisions of this Act shall not apply to any Salaried Resident Justice or Assistant Resident Justice now holding a seat in the House of Assembly.

Act not to apply to certain justices.

III. This Act shall come into operation on the day following the date on which the present General Assembly shall be dissolved.

When Act to come into operation.

No. 12.

58 Vic. c. 34. *An Act further to amend "The Election Act, 1885."*
(Assented to 14th June, 1895.)

I. On the coming into operation of this Act, so much of the 37th Section of "The Election Act, 1885," as defines the limits, bounds, and extent of the District of the City of Nassau, and so much of the 38th Section of the said Act as declares that the said City of Nassau shall send four members to the General Assembly shall be repealed.

Repeal.

Provided, however, that, notwithstanding such repeal, the said parts of the said Act shall be deemed to be in force for the purposes of any election that may be held for a member or members to represent the said District in the present General Assembly.

Proviso.

II. From and after the coming into operation of this Act the City of Nassau shall for the purposes of "The Election Act, 1885," be divided into two election districts to be called respectively:—

Divides City of Nassau into two electoral districts.

The City District of the Island of New Providence
and

City District.

The Southern District of the Island of New Providence.

Southern District.

And the limits, bounds, and extent of such Districts shall be as follows, to wit:—

Limits of electoral districts.

The City District of the Island of New Providence shall be bounded Westerly by West Street, Easterly by Culmer Street, Northerly by that part of Hog Island which lies opposite that part of the Island of New Providence comprised within Culmer Street and West Street, Southerly by Meeting Street and a line drawn from the Eastern end of such street Eastwardly until it reaches a line drawn Southwardly from the Southern end of Culmer Street and all the space within the streets and lines aforesaid and within that part of Hog Island that lies opposite to the same shall be deemed and considered as the City District of the Island of New Providence;

City District.

The Southern District of the Island of New Providence shall be bounded Northerly by the Southern boundary of the City District of the Island of New Providence as herein before described, Westerly by a line drawn from the South-west point of such boundary due South across the Island of New Providence to the sea, and Easterly by a line drawn from the South-east point of the Southern boundary of the City District of the Island of New Providence due South across the said Island to the sea and all the space within the boundary and lines aforesaid shall be deemed and considered as the Southern District of the Island of New Providence.

Southern District.

III. Each of the Districts of the Island of New Providence hereby created shall send the following number of members to the General Assembly of these Islands at any future election which may be held

Number of members who may be elected.

within the respective districts in virtue of any writ of election duly issued under the Great Seal of the Colony after the dissolution of the present General Assembly, that is to say :

City District— The City District of the Island of New Providence—Two members.
Two.
Southern District The Southern District of the Island of New Providence—Two
—Two. members.

When Act shall IV. This Act shall come into operation on the first day of October,
come into opera- 1895.
tion.

No. 13.

58 Vic. c. 35. *An Act further to amend " The Registration of Voters Act, 1885."* (Assented to 14th June, 1895.)

Repeal. I. On the coming into operation of this Act, so much of "The Regis-
tration of Voters Act, 1885" (hereinafter called the principal Act), as
Proviso. divides the City District of the Island of New Providence into two
Polling Divisions shall be repealed. *Provided*, however, that notwith-
standing such repeal the said part of the said Act shall be deemed to be
in force for the purposes of any Election that may be held for a member
or members to represent the said District in the present General
Assembly.

Polling divisions. II. On the coming into operation of this Act the Polling Divisions of
the City District of the Island of New Providence and the Southern
District of the Island of New Providence shall be as follows, that is to
say :

City District. *City District of the Island of New Providence.*

Polling Division.—That portion of the Island of New Providence
included between West Street and Culmer Street and the Har-
bour of Nassau and Meeting Street and a line drawn from the
Eastern end of such last-mentioned street Eastwardly until it
reaches a line drawn Southwardly from the Southern end of
Culmer Street.

Southern Dis- *Southern District of the Island of New Providence.*
trict.

Polling Division.—All that part of the Island of New Providence
to the Southward of Meeting Street and the line drawn from the
Eastern end of such street to the line drawn from the Southern
end of Culmer Street and between a line drawn from the junction
of Meeting Street and West Street due South to the Sea and a
line drawn due South to the Sea from the junction of the lines
drawn from the Eastern end of Meeting Street and the Southern
end of Culmer Street respectively.

Alphabetical lists III. It shall be the duty of the person appointed to prepare the
to be made out. Annual List in October 1895 according to the provisions of the fifteenth
section of the principal Act to prepare also an Alphabetical List for the
polling division of each of the Districts of the Island of New Providence
as created by this Act of all persons entitled to vote in each of such dis-
tricts in the same manner as annual lists are directed to be prepared by
the said principal Act.

Lists to be IV. Each of the Lists so prepared for the polling divisions of each of
signed, the Districts of the Island of New Providence as aforesaid shall be signed
by the person making the same, who shall also conform to the require-
ments imposed by the twelfth and thirteenth sections of the principal Act
upon persons preparing the Quinquennial Lists of Electors thereunder.

V. The provisions of the principal Act shall apply to such last-named Lists in the same manner as they apply to the Quinquennial and Annual Lists made thereunder.

Provisions of principal Act to apply.

VI. The Lists prepared under the third section of this Act for the polling division of each of the Districts of the Island of New Providence shall be the Register of Electors for such Districts respectively from the day following the day upon which the present General Assembly shall be dissolved until the formation in the month of October 1895 of a Quinquennial List for each of the said Districts in accordance with the twelfth section of the principal Act.

When lists shall come into force and their continuance.

VII. The Quinquennial and Annual Lists now in existence for the City District of the Island of New Providence together with the Annual List to be prepared for such Districts in the month of October 1895 shall continue in force until the day following the day upon which the present General Assembly shall be dissolved and no longer.

Continuance in force of quinquennial and annual lists now in existence, &c.

VIII. At any Election held for a member to represent the City District of the Island of New Providence in the present General Assembly the Quinquennial and Annual Lists referred to in the immediately preceding section shall be used as the Register of Electors entitled to vote at any election to be so held.

Quinquennial and annual lists to be used until the dissolution of present General Assembly.

IX. This Act shall come into operation on the first day of October 1895.

When Act shall come into operation.

No. 14.

59 Vic. c. 9. *An Act to declare valid two Lists of Voters prepared under the Act of Assembly, 58 Vic. c. 35.* (Assented to 20th March, 1896.)

(It has not been considered necessary to print this Act *in extenso*, its title giving all necessary information and its provisions having become exhausted.)

No. 15.

59 Vic. c. 20. *An Act to provide additional Polling Divisions within the Election District of Harbour Island.* (Assented to 30th April, 1896.)

I. This Act may be cited for all purposes as "The Amended Registration of Voters Act, 1896."

Title of Act.

II. On the passing of this Act the words "the Bluff and the Bogue Settlements" set forth in Polling Division No. 2 of the Election District of Harbour Island in "The Registration of Voters Act, 1885," shall be repealed.

Repeals.

III. Hereafter the Election District of Harbour Island created by "The Election Act, 1885," shall have two polling divisions in addition to those established by "The Registration of Voters Act, 1885," as amended by this Act, which additional division shall be designated as follows:

Provides for two additional polling divisions within the election district of Harbour Island.

Polling Division No. 4—The Bluff Settlement.

Polling Division No. 5—The Bogue Settlement.

And "The Registration of Voters Act, 1885," shall hereafter be read as if these divisions had originally been inserted therein as polling divisions for the said Election District of Harbour Island.

Two separate lists of voters to be made.

List to be forwarded to Resident Justice of Harbour Island.

Lists to be delivered to polling officers by Resident Justice.

List for each division to be prepared under this Act deemed to be list of persons entitled to vote.

Payment of expenses.

IV. Immediately after the passing of this Act it shall be the duty of the Provost Marshal of the Colony to cause two separate lists to be made from the Register of persons entitled to vote in the election of members of Assembly for Polling Division No. 2 of the Election District of Harbour Island at any election to be held for a member or members to represent the said District in the General Assembly of these Islands at any time after the passing of this Act of the persons named in such Register as entitled to vote in such District as being freeholders or housekeepers in the Bluff and Bogue Settlements respectively.

V. Such lists when prepared shall be certified correct by the Provost Marshal, and shall be forwarded by him without delay to the Resident Justice of Harbour Island.

VI. It shall be the duty of the Resident Justice aforesaid whenever an election is to be held in the District of Harbour Island to deliver or cause to be delivered to each of the persons who may be named to hold the poll at such election at the Bluff and Bogue Settlements aforesaid the list for such Settlement so forwarded to him under the immediately preceding section.

VII. The list for each polling division prepared under this Act as aforesaid and delivered to the Polling Officer shall be deemed to be the list of persons entitled to vote in such division at any election to be held in the District after the passing of this Act as if the same had been prepared under the provisions of "The Registration of Voters Act, 1885."

VIII. All expenses incurred under this Act shall be paid out of the Public Treasury by warrant in the usual manner.

CLASS III.

ACTS RELATING TO ALIENS.

No. 1.

11 Vic. c. 4. *An Act for facilitating the Naturalisation of Aliens.*
(March 22nd, 1848.)

PREAMBLE.

Reciting Act of Parliament,
10 & 11 Vic. c. 83.

Aliens to become naturalised upon obtaining certificates and using certain prescribed oaths.

WHEREAS, in and by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the tenth and eleventh years of your Majesty's reign, entitled "An Act for the Naturalisation of Aliens," it is amongst other things enacted and declared, that all laws, statutes, and ordinances which shall thereafter be made and enacted by the legislatures of any of Her Majesty's colonies or possessions abroad, for imparting to any person or persons the privileges or any of the privileges of naturalisation, to be by any such person or persons exercised and enjoyed within the limits of any such colonies or possessions respectively, shall within such limits have the force and authority of law, any law, statute, or usage to the contrary notwithstanding: AND WHEREAS it is expedient that the powers by the said Act of Parliament vested in colonial legislatures should be exercised by the legislature of this colony, and that an Act should be passed for the purpose of affording greater facility for the naturalisation of aliens than now by law exists: May it, &c., that upon obtaining the certificate and taking the oath hereinafter prescribed, every alien now residing in, or who shall hereafter come to reside in any part of this colony, shall enjoy within the colony all the rights and capacities which a natural-born subject of the United Kingdom can enjoy, or transmit within the said colony.

II. That it shall be lawful for any such alien as aforesaid to present to the Governor in Council a memorial stating the age, profession, trade, or other occupation of the memorialist, and the duration of his residence in the colony, and all other the grounds on which he seeks to obtain the rights and capacities of a natural-born British subject, and praying the said Governor to grant to the memorialist the certificate hereinafter mentioned.

To obtain certificate must present a memorial to Governor in Council.

III. That every such memorial shall be considered by the Governor in Council, who shall inquire into the circumstances of each case, and receive all such evidence as shall be afforded by affidavit or otherwise, as such Governor, with the advice of the Council, may deem necessary or proper for proving the truth of such allegations, contained in such memorial, and that the said Governor, with the advice of the said Council, if he shall so think fit, may upon the memorialist taking the oath hereinafter prescribed, issue a certificate under the Great Seal of the colony, reciting such of the contents of the memorial as he shall consider to be true and material, as also the fact that the memorialist had taken and subscribed the oath by this Act required to be taken and subscribed, and granting to the memorialist all the rights and capacities of a natural-born subject within the colony.

Memorial to be considered by Governor in Council and Governor empowered, with advice of the Council, to grant certificate under the Great Seal of the Colony.

IV. That before any certificate as aforesaid shall be granted, the memorialist to whom rights and capacities are intended to be granted by such certificate, shall take and subscribe the following oath (that is to say), "I, A.B.," &c.,* which oath shall be taken and subscribed by such memorialist, and shall be duly administered to him or her before the Clerk of the Council for these islands, if such oath shall be taken and subscribed in the Island of New Providence, or before any one of Her Majesty's justices of the peace for these islands, or for any district thereof, if such oath shall be taken and subscribed at any other island of this government, and in the latter case the justice of the peace administering the oath shall grant to the person taking and subscribing it, a certificate of his or her having taken and subscribed such oath accordingly.

Oath to be taken by alien.

V. That all certificates granted under this Act shall be recorded in the office of the Public Secretary and Registrar of Records for the colony.

Certificates of naturalisation to be recorded in Secretary's office.

VI. That the fees payable in respect of the several proceedings hereby authorised shall be fixed and regulated by the Governor in Council, and shall be paid into the Public Treasury of these islands in aid of the expenses of the government thereof.

Fees on naturalisation to be regulated and paid into the Treasury.

VII. That the word "Governor" in this Act shall extend and apply to the person lawfully administering the Government of these islands for the time being, and the words "Clerk of the Council" shall extend and apply to the person discharging the duties of that office for the time being.

The meaning of the words Governor and Clerk of the Council.

No. 2.

29 Vic. c. 15. *An Act to amend the Laws relating to Aliens.*
(Assented to 11th May, 1866.)

WHEREAS, it is expedient that the laws now in force in the colony relating to aliens should be amended in the particulars hereinafter mentioned; May it, &c.

I. That every alien now residing in, or who shall hereafter come to reside in any part of the Bahama Islands, being the subject of a state at

Aliens may hold lands, houses, &c., for any term

* For form of oath, see 37 Vic. c. 5, *post*, this part, Class 8, No. 3.

not exceeding 21 years, with full rights as British subjects.

Exceptions.

Governor may grant licences to aliens for the purpose of carrying on any business, &c.

Proviso.

amity with Great Britain, shall and may by grant, lease, demise, assignment, request, representation or otherwise, take and hold any lands, houses or other tenements for the purpose of residence or of occupation by him or his servants, or for the purpose of any business, trade or manufacture, for any term of years not exceeding twenty-one years, as fully and effectually to all intents and purposes, and with the same rights, remedies, exemptions and privileges as if he was a natural-born subject of the British Crown, except the right to be elected and to serve as a member of the House of Assembly, or as a member of any parochial vestry, or to vote at any election for such members, and also except the right to serve as a juror otherwise than on juries *de medietate linguæ*.*

II. It shall be lawful for the Governor in Council, upon the application of any company or association formed for the purpose of carrying on any business, trade, manufacture, or other undertaking in the colony, and composed of aliens, being the subjects of any state or states at amity with Great Britain, or of British subjects and any such aliens to grant a licence or licences to such company or association to hold lands for the purposes or objects for which such company may be formed; Provided that no such licence shall be granted until it shall be made to appear to the satisfaction of the Governor in Council that the lands for the holding of which the licence is applied for are actually required for the prosecution of the enterprise for which the company has been established.

No. 3.

35 Vic. c. 9. *An Act further to amend the Law relating to Aliens.*
(Assented to 11th April, 1872.)

PREAMBLE.

WHEREAS by the Imperial Statute, 33 Victoria, chapter 14, known as the Naturalisation Act, 1870, the right to acquire and hold real and personal property is conferred on aliens, with certain limitations in the said Statute specified, and it is expedient that a similar right should be conferred on aliens with respect to property situate in these islands; May it, &c.

Real and personal property may be taken, held, and acquired by aliens.

Proviso.

I. Real and personal property of every description situate within the Bahama Islands may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born subject, and a title to real and personal property of every description may be derived through, from, or in succession to an alien in the same manner in all respects as through, from, or in succession to a natural-born British subject; Provided that this enactment shall not entitle an alien to any political right or privilege of a British subject, or to any other right or privilege whatever, except such rights and privileges in respect of property as are hereby expressly given to him.

This Act not to affect any estate or interest in real or personal property acquired previously to its passing.

II. That this Act shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately in possession or expectancy in pursuance of any disposition made before the passing of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act.

An alien may not own a British ship.

III. Nothing in this Act contained shall qualify an alien to be the owner of a British ship.

* The right of an alien to be tried by a jury *de medietate linguæ* is taken away by the 1st section, 34 Vic. c. 17. See *post*, Part II., Class Juries.

No. 4.

35 Vic. c. 20. *An Act supplementary to the Imperial Statute 33 Vic. c. 14, to amend the Law relating to the legal condition of Aliens and British Subjects.* (Assented to 23rd May, 1872.)

WHEREAS in and by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the 33rd year of Her Majesty's reign, designated "The Naturalisation Act, 1870," provision is made for taking declaration of alienage and of British nationality, and for granting certificates of readmission to British nationality, not only in the United Kingdom, but elsewhere in Her Majesty's dominions, and power is granted to certain judicial officers in the British possessions to take such declarations and to the Governors of such possessions to grant such certificates. PREAMBLE.

AND WHEREAS the said Act was amended by an Act passed in the same year designated the Naturalisation Oaths Act, 1870, and the two Acts are collectively designated the Naturalisation Acts, 1870.

AND WHEREAS an Act was passed during the present session of Assembly making provision for carrying into effect the said Acts of Parliament, but in consequence of a clerical error in the engrossing thereof, the meaning of its provisions is obscure and doubtful, and it is expedient that there should be further legislation on the subject; May it, &c.

I. The Governor may, acting by and with the advice of Her Majesty's Executive Council, provide by regulations for the following matters:—

Governor in Council may provide by regulations for certain matters in connection with the British Naturalisation Acts, 1870.

1. The registration in the office of the Registrar of Records of all declarations taken, and certificates granted and oaths of allegiance administered in the colony under the said Acts.
2. The proof in any legal proceedings of such oaths.
3. The persons by whom certified copies of such declarations, certificates and oaths, and of entries of the same in such register may be given.
4. The transmission to Her Majesty's Secretary of State for the Colonies, for the purpose of registration, or safe keeping, or of being produced as evidence of any declaration taken, certificates granted, or oaths of allegiance administered in the colony under the said Acts, or of any copies of such declarations, certificates or oaths; also of copies of entries of such declarations, certificates, and oaths contained in such register as aforesaid.
5. The imposition and application of fees in respect of any such registration, and in respect of the taking of any such declaration, or the grant of any such certificate, or the administration of any such oath, and in respect of certified copies of any such declaration, certificate or oath.

II. The Act heretofore passed during the present session and hereinbefore referred to is hereby repealed, and it shall not be necessary to chapter or print the same among the Acts of this session or otherwise.

Act passed in present session repealed.

CLASS IV.

INCORPORATED AND OTHER MERCANTILE SOCIETIES AND COMPANIES.

No. 1.

24 Vic. c. 13. *An Act to authorise the formation of Partnerships with limited liability.* (11th May, 1861.)*

Partnerships
may be formed.

I. Partnerships, with limited liability, for the transaction of any mercantile, mechanical, or manufacturing business within the colony, except banking or insurance, may be formed by two or more persons, upon the terms, with the rights and powers, hereinafter provided.

General and
special partners.

II. In any such partnership one or more of the members thereof shall be called the general partners, and shall be jointly and severally responsible, as partners now are by law; and the other members thereof shall be called the special partners, who shall each contribute a specific amount of capital, in cash, or other property, at cash value, to the common stock; and such special partners shall not be liable for the debts of the partnership beyond the amount of the fund so contributed by them respectively to the capital; except as hereinafter provided.

Form of memo-
randum of co-
partnership.

III. The persons desirous of forming such partnerships shall make, and severally sign, a memorandum of copartnership, which shall be in the form in the Schedule marked A, or as near thereto as circumstances will permit: and shall acknowledge the same before a notary public, who shall verify the same under his hand and seal of office: which memorandum of "co-partnership" shall contain the following things, that is to say:

- 1st. The name of the firm under which the partnership business is to be conducted, and where the same is to be carried on.
- 2nd. The general nature of the business to be transacted.
- 3rd. The names of all the general and special partners interested therein, distinguishing which are general partners, and which are special partners, and their respective places of residence.
- 4th. The amount of capital stock, in cash, or other property, which each special partner shall have contributed to common stock.
- 5th. The period at which the partnership is to commence, and the period when it will terminate.

Declaration of
general partners.

IV. After such memorandum of copartnership shall have been so made, acknowledged, and certified as hereinbefore provided, the general partners named therein shall also make and sign a solemn declaration before such notary to the effect that such portions of the capital stock as have been contributed in cash by the special partners have been deposited in the Public Bank at Nassau in the name of the firm, and shall produce to such notary, to be annexed to such declaration, a certificate to that effect from the cashier of the said bank; and shall also declare that the amount in money, or other property, at cash value, specified in such memorandum has been actually and in good faith contributed for the purpose of being applied as set forth in the memorandum.

Declaration to
be recorded and
filed.

V. Every memorandum so acknowledged and verified, and every declaration so made and signed as aforesaid, shall, with the certificate as aforesaid of the Cashier of the Public Bank, be recorded in the

* So much of this Act as refers to the Public Bank is repealed by 49 Vic. c. 8, *post*, Part VIII., Class I., No. 1.

office of the Registrar of Records for the colony; and the originals shall then be filed in the said office; and such originals, and the respective records thereof, shall be open to the inspection of all persons desiring to peruse the same, during the time such office is open for the discharge of public business; and every person requiring a copy thereof shall be entitled to have the same furnished him on payment of the usual fees.

VI. No such partnership shall be deemed to have been formed until such memorandum, with the verification thereto, and the declaration of the general partners, and certificate of the Cashier of the Public Bank, shall have been filed as above directed; and, if any false statement be made in such memorandum or declaration, such partnership shall not be deemed a partnership with limited liability under this Act.

No partnership to be deemed formed until declaration and other papers filed.

VII. The partners shall publish the terms of the partnership, when recorded, for at least six weeks immediately after the recording thereof in all the newspapers printed in this colony, and, until such publication is made, for the period aforesaid, the partnership shall not be deemed a partnership with limited liability under this Act.

Publication of terms of partnership.

VIII. Affidavits of the publication of such notices, by the printers of the newspapers in which the same have been published, or some one in their employ, knowing of such publication, may be filed in the office of the Registrar of Records, and shall be evidence of the fact therein contained.

Evidence of publication.

IX. In the memorandum of copartnership, to be made and filed as hereinbefore provided, the name or names of the general partner or partners only shall be inserted in the name of the firm under which the business of the partnership is to be carried on, with the word "Limited" as the last word of such name, and the business of the partnership shall be carried on under no other name than that inserted in the memorandum of the copartnership, and the general partners only shall be authorised to transact the business of the partnership, and to sign for and bind the same; and if any special partner's name be inserted, with his privity or consent, in the name of the firm under which the business of the said copartnership is carried on, or if any special partner, in any manner, transact business, or contract in the name of the partnership, he shall incur all the liability in respect thereof which he otherwise would have if this Act had not been passed.

Name of general partners only to be inserted in memorandum.

X. In all business transactions, of any such partnership, the name of such partnership, as recorded in the "Memorandum of Copartnership," with the word "Limited," as the last word of such name, shall be the name used; and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods, and all bills of parcels, invoices, receipts, and letters, by, or on behalf of such partnership, such name with the word "Limited," as the last word of such name, shall be written, printed, or engraved, in legible characters, and if, in any such business transaction, or in any bill, note, endorsement, cheque, order, invoice, receipt or letter, any other name is used, or the word "Limited," as the last word of such name, omitted, any person thereby induced to deal with such partnership, or, who deals with the same, in any such transaction, or into whose possession any such bill, note, endorsement, cheque, order, invoice, receipt, or letter, may be or come, in the ordinary course of mercantile dealings, shall have the same rights, and be entitled to the same remedies against all the partners, whether general or special, of the said partnership as he would have been entitled to, if the said partnership had not been formed, under the provisions of this Act.

Recorded name of partnership to be used.

XI. No partnership under this Act shall have a name, identical with that inserted in the "Memorandum of Copartnership," of a sub-

Name of partnership not to be identical with

any other, or so nearly resembling as to deceive.

Memorandum, declaration and certificate in renewal or continuance of partnership.

No alteration to be made in number of partners during period mentioned in memorandum.

No capital stock to be withdrawn during continuance of partnership.

Suits, except in certain cases, to be prosecuted by and against general partners.

No dissolution, except by operation of law, to take place before the time specified, unless with notice given.

Provision for winding up partnership.

sisting partnership, or, so nearly resembling the same, as to be calculated to deceive, and it shall be the duty of the Registrar of Records to refuse and abstain from filing or recording any memorandum of copartnership, in which the name of the proposed partnership is identical with that of a subsisting partnership, under this Act, or which, in his opinion, so nearly resembles the same, as to be calculated to deceive.

XII. Upon the renewal or continuance of any partnership, under this Act, beyond the time originally fixed for its duration, a memorandum of copartnership shall be made, acknowledged, and verified, with a declaration made, and the certificate of the Cashier of the Public Bank obtained, and the said memorandum, declaration, and certificate shall be filed in the office of the Registrar of Records, in the same, and the like manner, as is hereinbefore provided for the formation of such partnership: and public notice of such continuance, or renewal, shall also be given in the same and the like manner, and for the same period, and subject to the same provisions, as is hereinbefore provided, upon the formation of such partnership.

XIII. During the period mentioned in the memorandum of copartnership, for the existence of the partnership, no alteration shall be made, in the number of the partners, whether general or special, or, in the name of the firm under which the partnership business is carried on, or the nature of the business carried on, or the capital in cash, or stock, or in any other matter specified, in the original memorandum of copartnership; and any partnership which shall in any way be carried on, after any alteration in any of the above particulars, shall have taken place, shall not be deemed a partnership, with limited liability, within the meaning of this Act.

XIV. During the continuance of the partnership, under the provisions of this Act, no part of the capital stock thereof shall be withdrawn, nor any division of interest or profits be made, so as to reduce said capital stock below the sum stated in the memorandum above mentioned; and if, at any time, during the continuance, or, at the termination, of the partnership, the property or assets shall not be sufficient to pay the partnership debts, then the special partners shall, severally, be held responsible for all sums, by them received, withdrawn, or divided, with interest thereon, from the time when such partnership is declared by the Official Assignee, or other person authorised by the provisions, of the thirty-fifth clause of this Act, to have become insolvent, such sums with interest thereon, to be over and above the amount which such special partners may have contributed, upon the formation of such partnership.

XV. All suits, respecting the business of such partnership, shall be prosecuted by, and against, the general partnership only; except in those cases in which provision is made in this Act, that the partnership shall not be deemed a partnership: and excepting, also, those cases where special partners shall be held, generally, responsible, on account of any sums, by them received, or withdrawn, from the common stock, as above provided.

XVI. No dissolution of a partnership, with limited liability, under this Act, shall take place, except by operation of law, before the time specified in the memorandum before mentioned; unless a notice of such dissolution shall be recorded in the office of the Colonial Secretary; and unless such notice shall also be published, twelve weeks, successively, in all the newspapers published in this colony.

XVII. And whereas it is expedient that provision should be made for winding up a partnership, with limited liability, be it enacted as follows: A partnership may be wound up, by the Court of Bankruptcy, under the following circumstances, that is to say:

1. Whenever the partners pass a special resolution requiring the partnership to be wound up, by the Court.
2. Upon the death of any of the partners.
3. Whenever the partnership is unable to pay its debts.
4. Whenever three-fourths of the capital of the partnership has been lost, or become unavailable.
5. Whenever the special partners, or a majority of them, so require it.

XVIII. A partnership shall be deemed to be unable to pay its debts :

- 1st. Whenever a creditor to whom the partnership is indebted, in a sum exceeding fifty pounds, then due, has served, on such partnership, by leaving the same, at the place of business thereof, a demand, in writing, requiring the partnership to pay the sum so due, and the partnership have, for the space of one calendar month neglected to pay such sum, or secure or compound for the same to the satisfaction of the creditor.
- 2nd. Whenever execution, issued on a judgment, decree, or order obtained, in any court, in favour of any creditor, in any suit, or other legal proceeding, instituted by such creditor against the partnership is returned unsatisfied in whole, or in part.

When partnership shall be deemed unable to pay its debts.

XIX. Any application for the winding up of a partnership shall be by petition, and there shall be filed, or lodged at the time when such petition is presented, an affidavit verifying the same, and such petition may, in cases where the partnership is unable to pay its debts, be presented either by a creditor or general partner, but when any other ground is alleged for winding up the partnership, a partner alone is entitled to present the petition.

Application for winding up shall be by petition.

XX. Upon the hearing of any petition presented by a creditor, the Court may dismiss such petition with or without costs, to be paid by the petitioner, or it may make an order, or pronounce an interlocutor, directing such partnerships, by a day to be named in the order, or interlocutor, to pay, or secure payment to the creditor, of all monies that may be found due to him, together with such costs as the Court may direct, or the Court may, if it so thinks fit, on the hearing of such petition, make an order, or decree, for the winding up the partnership in the first instance, or such other order as it deems just.

Court may dismiss petition with or without costs.

XXI. If at the expiration of the time named in such order, or interlocutor, such payment is not paid or security given, the Court may thereupon make an order, or decree, for winding up the partnership.

Court may make order for winding up partnership if payment not made or security given.

XXII. Upon the hearing of a petition presented by a partner, the Court may dismiss such petition with or without costs, to be paid by the petitioner, or it may make an order, or decree, for winding up the partnership, or such other order, or decree, as it deems just.

Power of Court on hearing petition.

XXIII. After the date of such order, or decree, for winding up the partnership, all suits against the partnership shall, if the Court so orders, be stayed ; no general partner, or other person connected with the partnership, shall, without the sanction of the Court, dispose of any of the property, effects, or things, in action of the partnership.

After date of order or decree suits to be stayed, &c.

XXIV. As soon as may be after making an order, or decree, for winding up the partnership, the Court shall cause the assets of the partnership to be collected, and applied in discharge of its liabilities, in a due course of administration.

After order assets to be collected.

XXV. Any conveyance, mortgage, delivery of goods, payments, execution, or other act relating to property, as would, if made or done, by, or against any individual trader, be deemed, in the event of his bankruptcy, to have been made, or done, by way of undue, or fraudulent preference, of any creditor of such trader, shall, if made, or done, by, or against any partnership formed under this Act, be deemed, in the event of an order being made for winding up such partnership, to have been

Conveyance, mortgage, &c., by undue or fraudulent preference.

or done, by way of undue, or fraudulent preference, of such creditor of such partnership, and shall be invalid accordingly; and for the purposes of this section, the presentation of a petition for winding up a partnership shall be deemed to correspond with the filing of a petition, for adjudication of bankruptcy, in the case of an individual trader, and any conveyance, or assignment, made by any partnership formed under this Act, of all its estate and effects, to trustees, for the benefit of all its creditors, shall be void to all intents and purposes.

Proceedings of
Court on winding
up.

XXVI. The Court may, after it has made an order, or decree, for winding up the partnership, summon before it, any person known, or suspected to have in his possession, any of the estate or effects of the partnership, or supposed to be indebted to the partnership, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate, or effects of the partnership, and the Court may require any such person to produce any books, papers, deeds, writings, or other documents, in his custody, or power, which may appear to the Court requisite to the full disclosure of any of the matters which the Court thinks necessary to be inquired into, for the purpose of winding up the partnership; and if any person so summoned refuses to come before the Court, at the time appointed, having no lawful impediment, (made known to the Court at the time of its sitting, and allowed by it,) the Court may, by warrant, authorise and direct the persons therein named for that purpose to apprehend such person, and bring him before the Court for examination.

Court may ex-
amine witnesses.

XXVII. The Court may examine, upon oath, either by word of mouth, or upon written interrogatories, any person appearing, or brought before them in manner aforesaid, concerning the trade, dealings, estate, or effects of the company, and may reduce into writing the answers of every such person, and require him to sign and subscribe the same.

Penalty on part-
ner mutilating
or altering books
or papers.

XXVIII. If any partner of any partnership, for the winding up of which an order, or decree, has been made under this Act, destroys, mutilates, alters, or falsifies any books, papers, writings, or securities, or makes, or is privy to the making of the false or fraudulent entry in any register, book of account, or other document belonging to the partnership, with intent to defraud the creditors or partners of such partnership, or any of them, every person so offending shall be deemed to be guilty of a misdemeanor, and upon being convicted, shall be liable to imprisonment for any term not exceeding five years, with or without hard labour.

Books of partner-
ship to be *primâ*
facie evidence.

XXIX. All books, accounts, and documents of the partnership, and of the liquidators hereinafter mentioned, shall, as between the partners of the partnership, be *primâ facie* evidence of the truth of all matters therein contained, and purporting to be therein recorded.

Monies received
by Court to be
paid into bank.

XXX. All monies received under the direction of the Court on account of the sale, or conversion of any of the assets of the partnership, or of any other matters, shall be paid into the bank at Nassau, to the credit of such account as the Court may direct, and no money standing to such account shall be paid out of the bank, except upon cheques signed in such manner as the Court directs.

Court may ap-
point receiver of
estate.

XXXI. The Court may at any time after the presentation of a petition for winding up a partnership, and either before or after making an order for winding up the same, upon motion of any creditor, or partner, appoint a receiver of the estate and effects of the partnership, and also, by notice or advertisement, require all creditors to present and prove their claims within a certain time, or be precluded from the benefits of any distribution which may be made before such claim is proved.

Power of Court to
stay proceedings.

XXXII. The Court may at any time after an order or decree has been made for winding up a partnership, upon the application by motion of any creditor or partner, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be

stayed, make an order staying the same, either altogether, or for a limited time, upon such terms and subject to such conditions as it deems fit.

XXXIII. As soon as the creditors are satisfied, the Court shall proceed to adjust the rights of the partners among themselves, and to distribute the surplus that may remain amongst the parties entitled thereto.

When creditors satisfied, Court to distribute surplus.

XXXIV. The Court may make such order as to the priority of payment out of the estate of the partnership, of the costs, charges and expenses incurred in winding up any partnership, as it thinks just.

Order as to priority of payment.

XXXV. For the purpose of conducting the proceedings in winding up a partnership, and assisting the Court therein, the official assignee of the Court of Bankruptcy shall be appointed by the Court, and called "Official Liquidator" under the provisions of this Act, but it shall be lawful in cases where the winding up takes place at the suit of the creditor, for the major part in value of the creditors assembled at a meeting to be held for the purpose, and in cases where the winding up takes place at the suit of a partner, for the major part in value of the partners assembled at a meeting to be held for the purpose, to appoint another official liquidator to act concurrently with the official liquidator so named by the Court.

Official assignee to be official liquidator.

XXXVI. The official liquidator, or liquidators, shall be described by the style of the official liquidator, or liquidators, of the particular partnership in respect of which they or he are or is appointed, and not by their or his individual names or name, they or he shall take into their or his custody all the property, effects and things in actions of the partnership, and shall perform such duties in reference to the winding up of the partnership as may be imposed by the Court.

Official liquidator to be described as such, and not by name.

XXXVII. The official liquidators shall have power, with the sanction of the Court, to do the following things:—

Powers of official liquidators.

To bring or defend any action, suit or prosecution, or other legal proceeding, civil or criminal, in the name, and on behalf of the partnership.

To carry on the business of the partnership so far as may be necessary for the beneficial winding up of the same.

To sell the real, and personal, and heritable, and movable property, effects and things in action of the partnership by public auction, or private contract, with power, if they think fit, to transfer the whole thereof to any person or persons, or to sell the same in parcels.

To execute in the name, and on behalf of the partnership, all deeds, receipts, and other documents they may think necessary.

To refer disputes to arbitration, and compromise any debts or claims.

To draw, accept, make and endorse any bill of exchange, or promissory note, and also to raise upon the security of the assets of the company from time to time any requisite sum, or sums of money, and the drawing, accepting, making, or endorsing of every such bill of exchange or promissory note as aforesaid, on behalf of the partnership, shall have the same effect, with respect to the liability of such partnership, as if such bill or note had been drawn, accepted, made, or endorsed by such partnership, in the course of carrying on the business thereof.

To do and execute all such other things as may be necessary for winding up the affairs of the partnership, and distributing its assets.

XXXVIII. The official liquidators may, with the approval of the Court, appoint a solicitor or law agent, and such clerks, or officers, as may be necessary to assist them in the performance of their duties. There shall be paid to such solicitor, or law agent, and such clerks, and

May appoint a law agent.

Payment of official liquidators.

When the affairs of partnership wound up, Court to dissolve the same.

Order so made to be reported to Registrar of Records.

Judge and Commissioner of Court of Bankruptcy to make rules.

Proviso as to alien laws.

Act, how cited.

When to come into operation.

Schedule.

officers, such remuneration, by way of fees, or otherwise, as may be allowed by the Court.

XXXIX. There shall be paid to the official liquidators such salary, or remuneration, by way of percentage, or otherwise, as the Court directs.

XL. When the affairs of the partnership have been completely wound up, the Court shall make an order, or decree, declaring the partnership to be dissolved from the date of such order, or decree, and the partnership shall be dissolved accordingly.

XLI. Any order or decree so made, shall be reported by the official liquidator to the Registrar of Records, who shall make a minute of the dissolution of such partnership, on the memorandum of copartnership, and the record thereof in his office.

XLII. The Judge and Commissioner of the Court of Bankruptcy may make such rules, as they from time to time, but subject to the approval of the Chancellor, think fit for the purpose of regulating the proceedings in such Court for winding up partnerships, but subject to such rules the general practice of the Court of Bankruptcy, in cases within the ordinary jurisdiction of such Court, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all proceedings under this Act, and any order made by any Commissioner in Bankruptcy in such proceedings, may be enforced in the same manner in which orders made in proceedings within the ordinary jurisdiction of such Court are enforced, and that the Judge and Commissioner may, subject to the approval of the Chancellor as aforesaid, make rules specifying the fees to be paid to the solicitors, official liquidators, and other officers of the said Court.

XLIII. That nothing in this Act contained shall be construed to affect the alien laws of the colony.

XLIV. That in citing this Act it shall be sufficient to use the expression "The Partnership Limited Liability Act, 1861."

XLV. That this Act shall not come into operation until Her Majesty's assent shall have been obtained thereto, and officially promulgated in the colony.

SCHEDULE (A.)

Memorandum of copartnership of A. B. C. D. and Company, Limited :

1st. The name of the firm under which this partnership business is to be conducted is A. B. C. D. and Company, Limited, and such business is to be carried on in the town of Nassau, in the Island of New Providence.

2nd. The objects for which this partnership is established are for carrying on a general mercantile and commission business.

3rd. The general partners interested in this business are :

A. B., of the town of Nassau, merchant, residing in the said town of Nassau ; C. D., of the town of Nassau aforesaid, also residing in the town of Nassau.

The names of the special partners interested therein are E. F., at present of the town of Nassau, but residing in the city of London, in the United Kingdom of Great Britain and Ireland.

G. H., also at present of the said Island of New Providence, but residing in Mathew Town, in the Island of Inagua.

4th. The amount of capital stock which the above-named special partner E. F. has contributed to common stock in dry goods is of the value of £500.

The amount of capital stock which the above-named special partner G. H. has contributed to common stock in cash is £1,000.

5th. This partnership is to commence on Monday, the 8th day of April, A.D. 1861, and will terminate on Wednesday, the 8th day of April, A.D. 1871.

We, the several persons whose names and addresses are hereinbefore set forth, and hereto subscribed, are desirous of forming a copartnership, with limited liability in pursuance of this memorandum of copartnership, according to the provisions of the Partnership Limited Liability Act, 1861.

Witness our hands this
A.D. 1861.

day of

A. B.
C. D.
E. F.
G. H.

The above memorandum of copartnership was duly acknowledged before me by the within-named A. B., C. D., E. F., and G. H., on this
day of A.D. 18 .

In verification whereof I have hereunto set my hand and seal notarial the day and year last above written.

(L.S.)

S. M.,
Notary Public.

No. 2.

29 Vic. c. 5. *An Act for the Incorporation and Regulation of Trading Companies and other Associations.* (Assented to 27th March, 1866.)

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

I. That any five or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of association, and otherwise complying with the requisitions of this Act in respect of registration, form an incorporated company, with or without limited liability.

Mode of forming company.

II. The liability of the members of a company formed under this Act may, according to the memorandum of association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake, by the memorandum of association, to contribute to the assets of the company in the event of its being wound up.

Mode of limiting liability of members.

III. Where a company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a company limited by shares, the memorandum of association shall contain the following things (that is to say):

Memorandum of association of a company limited by shares.

1. The name of the proposed company, with the addition of the word "Limited," as the last word in such name.
2. The part of the colony in which the registered office of the company is proposed to be situate.
3. The objects for which the proposed company is to be established.
4. A declaration that the liability of the members is limited.
5. The amount of capital with which the company proposes to be registered, divided into shares of a certain fixed amount, to be also therein specified.

SUBJECT TO THE FOLLOWING REGULATIONS:

1. That no subscriber shall take less than one share.
2. That each subscriber of the memorandum of association shall write opposite to his name the number of shares he takes.

Memorandum of association of a company limited by guarantee.

IV. Where a company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the company, in the event of the same being wound up, hereinafter referred to, as a company limited by guarantee, the memorandum of association shall contain the following things (that is to say):

1. The name of the proposed company, with the addition of the word "Limited," as the last word in such name.
2. The part of the colony in which the registered office of the company is proposed to be situate.
3. The objects for which the proposed company is to be established.
4. A declaration that each member undertakes to contribute to the assets of the company, in the event of the same being wound up during the time that he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before the time at which he ceases to be a member, and of the costs, charges, and expenses of winding-up the company, and for the adjustment of the rights of the contributories amongst themselves, such amounts as may be required, not exceeding a specific amount to be therein named.

Memorandum of association of an unlimited company.

V. Where a company is formed on the principle of having no limit placed on the liability of its members, hereinafter referred to as an unlimited company, the memorandum of association shall contain the following things (that is to say):

1. The name of the proposed company.
2. The part of the colony in which the registered office of the company is proposed to be situate.
3. The objects for which the proposed company is to be established.

Signature and effect of memorandum of association.

VI. The memorandum of association shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. It shall, when registered, bind the company and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in the memorandum contained on the part of himself, his heirs, executors, and administrators, a covenant to observe all the conditions of such memorandum, subject to the provisions of this Act.

Power of certain companies to alter memorandum of association.

VII. Any company limited by shares may so far modify the conditions contained in its memorandum of association, if authorised to do so by its regulations as originally framed, or as altered by special resolution in manner hereinafter mentioned, as to increase its capital by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares or to convert its paid-up shares into stock; but, save as aforesaid, and save as is herein provided in the case of a change of name, no alteration shall be made by any company in the conditions contained in its memorandum of association.

Power of companies to change names.

VIII. Any company under this Act, with the sanction of a special resolution of the company passed in manner hereinafter mentioned, may change its name, and upon such change being made, the Registrar of Records, on receiving the special resolution authorizing the same, shall, after recording the special resolution, issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of

name shall affect any rights or obligations of the company, or render defective any legal proceedings instituted, or to be instituted, by or against the company; and any legal proceedings may be continued or commenced against the company by its new name that might have been continued or commenced against the company by its former name.

ARTICLES OF ASSOCIATION.

IX. The memorandum of association may be accompanied, when registered, by articles of association, signed by the subscribers to the memorandum of association, and prescribing such regulations for the company as the subscribers to the memorandum of association deem expedient. The articles shall be expressed in separate paragraphs numbered arithmetically. They shall, in the case of a company, whether limited by guarantee or unlimited, that has a capital divided into shares, state the amount of capital with which the company proposes to be registered; and in the case of a company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the company proposes to be registered. In a company limited by guarantee or unlimited, and having a capital divided into shares, each subscriber shall take one share at the least, and shall write opposite to his name in the memorandum of association the number of shares he takes.

Regulations to be prescribed by articles of association.

X. The articles of association shall be signed by each subscriber in the presence of, and be attested by, one witness at the least; when registered, they shall bind the company and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such articles contained a covenant on the part of himself, his heirs, executors, and administrators to conform to all the regulations contained in such articles, subject to the provisions of this Act; and all monies payable by any member to the company, in pursuance of the conditions and regulations of the company, or any of such conditions or regulations, shall be deemed to be a debt due from such member of the company.

Signature and effect of articles of association.

GENERAL PROVISIONS.

XI. The memorandum of association and the articles of association, if any, shall be delivered to the Registrar of Records for the colony, who shall enter the same in a book of record, to be opened and kept in his office for the purpose; and after such entry shall have been made, the memorandum and articles shall be retained by the said Registrar as a record of his office, and the like fees shall be payable in respect of the entering and recording of such documents as are now by law payable on entering and recording of deeds.

Registration.

XII. Upon the registration of the memorandum of association, and of the articles of association, or of the memorandum alone, as the case may be, the Registrar shall certify under his hand that the company is incorporated, and in the case of a limited company that the company is limited. The subscribers of the memorandum of association, together with such other persons as may from time to time become members of the company, shall thereupon be a body corporate by the name contained in the memorandum of association, capable forthwith of exercising all the functions of an incorporated company, and having perpetual succession and a common seal, with power to hold lands, but with such liability on the part of the members to contribute to the assets of the company in the event of the same being wound up as is hereinafter mentioned. A certificate of the incorporation of any company given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with.

Certificate of registration.

Incorporation of company.

Governor in Council may grant licences to lay down rails in public streets and build out wharves in certain cases.

Lands to be used only for purposes of company not to confer political franchise.

Copies of memorandum and articles to be given to members.

Provision against identity of names in companies.

XIII. If any company or association incorporated under this Act shall require to lay down rails, pipes, or other material in any public road, street, or other public place, for the purpose of enabling them to carry on the business or objects for which the members have associated themselves together; or to build out wharves or abutments in any port, harbour, or public water for any such like purpose, it shall be lawful for the Governor, acting by and with the advice of the members of the Executive Council, on application by the parties, in his discretion, to grant a licence or licences for the purpose or purposes required; and upon such terms and conditions for the protection of the interests of the public as may be deemed necessary.

XIV. The right to hold lands under this Act shall be restricted exclusively to purposes for which the particular company or association has been formed; and no member of any such company or association or any of their servants or tenants shall exercise any political franchise in respect of any lands held by any such company or association.

XV. A copy of the memorandum of association, having annexed thereto the articles of association, if any, shall be forwarded to every member, at his request, on payment of such reasonable sum, not exceeding two shillings for each copy, as may be fixed by any rule of the company; and in the absence of any such rule, shall be given gratuitously; and if any company makes default in forwarding a copy of the memorandum of association, and articles of association, if any, to a member, in pursuance of this section, the company so making default shall for each offence incur a penalty not exceeding one pound.

XVI. No company shall be registered under a name identical with that by which a subsisting company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a case where such subsisting company is in the course of being dissolved, and testifies its consent in such manner as the Registrar of Records requires; and if any company, through inadvertence or otherwise, is without such consent, as aforesaid, registered by a name identical with that by which a subsisting company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned company may, with the sanction of the Registrar, change its name, and upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation, altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the company, or render defective any legal proceedings instituted, or to be instituted, by or against the company; and any legal proceedings may be continued or commenced against the company by its new name that might have been continued or commenced against the company by its former name.

Distribution of Capital and Liability of Members of Companies and Associations under this Act.

DISTRIBUTION OF CAPITAL.

Share or interest in company to be personality.

XVII. The shares or other interest of a member in a company under this Act shall be personal estate, capable of being transferred in manner provided by the regulations of the company, and shall not be of the nature of real estate; and each share shall, in the case of a company having a capital divided into shares, be distinguished by its appropriate number.

Definition of member.

XVIII. The subscribers of the memorandum of association of any company under this Act shall be deemed to have agreed to become members of the company whose memorandum they have subscribed, and upon the registration of the company shall be entered as members on the register of members hereinafter mentioned, and every other person who

has agreed to become a member of a company under this Act, and whose name is entered on the register of members, shall be deemed to be a member of the company.

XIX. Any transfer of the share or other interest of a deceased member of a company under this Act, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Transfer by personal representative.

XX. Every company under this Act shall cause to be kept in one or more books a register of its members, and there shall be entered therein the following particulars:

Register of members.

1st. The names and addresses, and the occupations, if any, of the members of the company, with the addition, in the case of a company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number; and of the amount paid, or agreed to be considered as paid, on the shares of each member.

2nd. The date at which the name of any person was entered on the register as a member.

3rd. The date at which any person ceased to be a member.

And any company acting in contravention of this section shall incur a penalty not exceeding five pounds for every day during which its default in complying with the provisions of this section continues; and every director or manager of the company who shall knowingly and wilfully authorise, or permit such contravention, shall incur the like penalty.

XXI. Every Company under this Act, and having a capital divided into shares, shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the ordinary general meeting, or if there is more than one ordinary meeting in each year, the first of such ordinary general meetings is held, are members of the company; and such lists shall state the names, addresses, and occupations of all the members therein mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars:—

Annual list of members and return of capital, shares, calls, &c.

1st. The amount of the capital of the company, and the number of shares into which it is divided.

2nd. The number of shares taken from the commencement of the company up to the date of the summary.

3rd. The amount of calls made on each share.

4th. The total amount of calls received.

5th. The total amount of calls unpaid.

6th. The total amount of shares forfeited.

7th. The names, addresses, and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the register, and shall be completed within seven days after such fourteenth day, as is mentioned in this section, and a copy shall forthwith be forwarded to the Registrar of Records of the colony, to be kept by him in his office with the original memorandum of association.

XXII. If any company under this Act, and having a capital divided into shares, make default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar of Records, such company shall incur a penalty not exceeding five pounds for every day during which such default continues; and every director and manager of the company who shall knowingly and wilfully authorise or permit such default shall incur the like penalty.

Penalty on company not making return.

Certificate of
shares or stock.

XXIII. A certificate, under the common seal of the company, specifying any share or shares or stock held by any member of a company, shall be *primâ facie* evidence of the title of the member to the share or shares or stock therein specified.

Inspection of
register.

XXIV. The register of members, commencing from the date of the registration of the company, shall be kept at the registered office of the company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall during business hours, but subject to such reasonable restrictions as the company in general meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and the inspection of any other person on the payment of one shilling, or such less sum as the company may prescribe for each inspection; and every such member or other person may receive a copy of such register or of any part thereof, or of such list or summary of members as is hereinbefore mentioned, on payment of sixpence for every hundred words required to be copied. If such inspection or copy is refused, the company shall incur for each refusal a penalty not exceeding two pounds and a further penalty not exceeding two pounds for every day during which such refusal continues; and every director and manager of the company who shall knowingly authorise or permit such refusal shall incur the like penalty; and in addition to the above penalty, any judge sitting in chambers may by order compel an immediate inspection of the register.

Notice of increase
of capital and of
members to be
given to Regis-
trar of Records.

XXV. Where a company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and where a company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number shall be given to the Registrar of Records, in the case of an increase of capital within thirty days from the date of the passing of the resolution by which such increase has been authorised; and in the case of an increase of members, within thirty days from the time at which such increase of members has been resolved on or has taken place; and the Registrar of Records shall forthwith record the amount of such increase of capital or members. If such notice is not given within the period aforesaid, the company in default shall incur a penalty not exceeding five pounds for every day during which such neglect to give notice continues; and every director and manager of the company who shall knowingly and wilfully authorise or permit such default shall incur a like penalty.

Remedy for im-
proper entry or
omission of entry
in register.

XXVI. If the name of any person is, without sufficient cause, entered in or omitted from the register of members of any company under this Act, or if default is made or unnecessary delay takes place in entering on the register the fact of any person having ceased to be a member of the company, the person or member aggrieved or any member of the company or the company itself, may by motion in the General Court apply for an order that the register may be rectified; and the Court may either refuse such application with or without costs, to be paid by the applicant, or it may if satisfied of the justice of the case make an order for the rectification of the register, and may direct the company to pay all the costs of such motion, application, or petition, and any damages the party aggrieved may have sustained. The Court may in any proceeding under this section decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from the register, whether such question arises between two or more members or alleged members, or between any members or alleged members and the company, and generally the Court may in such proceeding decide any question that it may be necessary or expedient to decide for the rectification of the register; Provided

that the Court may direct an issue to be tried, in which any question of law may be raised.

XXVII. Whenever any order has been made rectifying the register, in the case of a company hereby required to send a list of its members to the Registrar of Records, the Court shall by its order direct that due notice of such rectification be given the Registrar:

Notice to Registrar of rectification of register.

XXVIII. The register of members shall be *prima facie* evidence of any matters by this Act directed or authorised to be inserted therein.

Register to be evidence.

LIABILITY OF MEMBERS.

XXIX. In the event of a company formed under this Act being wound up, every present and past member of such company shall be liable to contribute to the assets of the company to an amount sufficient for payment of the debts and liabilities of the company, and the costs, charges, and expenses of the winding-up and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves, with the qualifications following; that is to say:—

Liability of present and past members of company.

1. No past member shall be liable to contribute to the assets of the company if he has ceased to be a member for a period of one year or upwards, prior to the commencement of the winding-up:
2. No past member shall be liable to contribute in respect of any debt or liability of the company contracted after the time at which he ceased to be a member:
3. No past member shall be liable to contribute to the assets of the company unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:
4. In case of a company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:
5. In the case of a company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking entered into on his behalf by the memorandum of association:
6. Nothing in this Act contained shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the company are alone made liable in respect of such policy or contract:
7. No sum due to any member of a company, in his character of a member, by way of dividends, profits, or otherwise, shall be deemed to be a debt of the company, payable to such member in a case of competition between himself and any other creditor not being a member of the company; but any such sum may be taken into account, for the purposes of the final adjustment of the rights of the contributories amongst themselves.

PART III.

Management and Administration of Companies and Associations under this Act.

PROVISION FOR PROTECTION OF CREDITORS.

XXX. Every company under this Act shall have a registered office, to which all communications and notices may be addressed. If any com-

Registered office of company.

Notice of situa-
tion of registered
office.

pany under this Act carries on business without having such an office, it shall incur a penalty not exceeding five pounds for every day during which business is so carried on.

XXXI. Notice of the situation of such registered office, and of any change therein, shall be given to the Registrar of Records and recorded by him, and shall be published in three successive numbers of the official newspaper. Until such notice is given and published, the company shall not be deemed to have complied with the provisions of this Act, with respect to having a registered office.

Publication of
name by a
limited company.

XXXII. Every limited company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible, and shall have its name engraven in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements, and other official publications of such company, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of such company, and in all bills of parcels, invoices, receipts, and letters of credit of the company.

Penalties on non-
publication of
name.

XXXIII. If any limited company under this Act does not paint or affix, and keep painted or affixed, its name in manner directed by this Act, it shall be liable to a penalty not exceeding five pounds for not so painting or affixing its name, and for every day during which such name is not so kept painted or affixed, and every director and manager of the company who shall knowingly and wilfully authorise or permit such default, shall be liable to the like penalty; and if any director, manager, or officer of such company, or any person on its behalf, uses or authorises the use of any seal purporting to be a seal of the company, whereon its name is not so engraven as aforesaid, or issues or authorises the issue of any notice, advertisement, or other official publication of such company, or signs or authorises to be signed on behalf of such company any bill of exchange, promissory note, endorsement, cheque, order for money or goods, or issues or authorises to be issued any bills of parcels, invoice, receipt, or letter of credit of the company, wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of fifty pounds, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods for the amount thereof, unless the same is duly paid by the company.

Register of mort-
gages.

XXXIV. Every limited company under this Act shall keep a register of all mortgages and charges specifically affecting property of the company, and shall enter in such register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge. If any property of the company is mortgaged or charged without such entry as aforesaid being made, every director, manager, or other officer of the company who knowingly and wilfully authorises or permits the omission of such entry, shall incur a penalty not exceeding fifty pounds. The register of mortgages required by this section shall be open to inspection by any creditor or member of the company at all reasonable times; and if such inspection is refused, any officer of the company refusing the same, and every director and manager of the company authorising or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding two pounds for every day during which such refusal continues; and in addition to the above penalty, any judge sitting in chambers, may, by order, compel an immediate inspection of the register.

List of directors
to be sent to
Registrar.

XXXV. Every company under this Act shall keep at its registered office a register containing the names and addresses and the occupations

of its directors or managers, and shall send to the Registrar of Records a copy of such register, and shall from time to time notify to the Registrar of Records any change that takes place in such directors or managers.

XXXVI. If any company under this Act makes default in keeping a register of its directors or managers, or in sending a copy of such register to the Registrar of Records, in compliance with the foregoing rules, or in notifying to the Registrar any change that takes place in such directors or managers, such delinquent company shall incur a penalty not exceeding five pounds for every day during which such default continues; and every director and manager of the company who shall knowingly and wilfully authorise or permit such default shall incur the like penalty.

Penalty on company not keeping register of directors.

XXXVII. A promissory note or bill of exchange shall be deemed to have been made, accepted or endorsed on behalf of any company under this Act, if made, accepted or endorsed in the name of the company by any person acting under the authority of the company, or if made, accepted or endorsed by, or on behalf, or on account of the company, by any person acting under the authority of the company.

Promissory notes and bills of exchange.

XXXVIII. If any company under this Act carries on business when the number of its members is less than the number mentioned in the first section of this Act for a period of six months after the number has been so reduced, every person who is a member of such company, during the time that it so carries on business after such period of six months, and is cognisant of the fact that it is so carrying on business with fewer than the legal number of members, shall be severally liable for the payment of the whole debts of the company contracted during such time, and may be sued for the same without the joinder in the action or suit of any other member.

Penalty for carrying on business with less than a certain number of members.

PROVISIONS FOR PROTECTION OF MEMBERS.

XXXIX. A general meeting of every company under this Act shall be held once at the least in every year.

General meeting of company.

XL. Subject to the provisions of this Act, and to the conditions contained in the memorandum of association, any company formed under this Act may, in general meeting from time to time, by passing a special resolution in manner hereinafter mentioned, alter all or any of the regulations of the company contained in the articles of association, or make new regulations to the exclusion of or in addition to all or any of the regulations of the company; and any regulations so made by special resolution shall be deemed to be regulations of the company of the same validity as if they had been originally contained in the articles of association, and shall be subject in like manner to be altered or modified by any subsequent resolution.

Power to alter regulations by special resolution.

XLI. A resolution passed by a company under this Act shall be deemed to be special whenever a resolution has been passed by a majority of not less than three-fourths of such members of the company for the time being entitled, according to the regulations of the company, to vote as may be present, in person or by proxy (in cases where by the regulations of the company proxies are allowed) at any general meeting, of which notice specifying the intention to propose such resolution has been duly given and such resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the company, to vote as may be present, in person, or by proxy, at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days nor more than one month from the date of the meeting at which such resolution was first passed. At any meeting mentioned in this section, unless a poll is demanded by at

Definition of special resolution.

least three members, a declaration of the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Notice of any meeting shall, for the purposes of this section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the company. In computing the majority under this section, when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the company.

Provision where
no regulations as
to meetings.

XLII. In default of any regulations as to voting, every member shall have one vote, and in default of any regulations as to summoning general meetings, a meeting shall be held to be duly summoned, of which seven days' notice has been served on every member present in the place where the meeting is to be held; and in default of any regulations as to the persons to summon meetings, three members shall be competent to summon the same; and in default of any regulations as to who is to be chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Registry of
special resolu-
tions.

XLIII. A copy of any special resolution that is passed by any company under this Act shall be printed, and forwarded to the Registrar of Records, and shall be recorded by him.

Copies of special
resolution.

XLIV. Where articles of association have been registered, a copy of every special resolution for the time being in force, shall be annexed to, or embodied in, every copy of the articles of association that may be issued after the passing of such resolution. Where no articles of association have been registered, a copy of any special resolution shall be forwarded in print to any member requesting the same, on payment of one shilling, or such less sum as the company may direct; and if any company makes default in complying with the provisions of this section, it shall incur a penalty, not exceeding one pound, for each copy in respect of which such default is made; and every director and manager of the company who shall knowingly and wilfully authorise or permit such default shall incur the like penalty.

Execution of
deeds abroad.

XLV. Any company under this Act may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds on its behalf in any place not situate in the colony, and every deed signed by such attorney on behalf of the company, and under his seal, shall be binding on the company, and have the same effect as if it were under the common seal of the company.

NOTICES.

Service of notices
on company.

XLVI. Any writ, notice, order, or other document required to be served upon the company, may be served by leaving the same, or sending it through the post in a prepaid letter, addressed to the company at their registered office.

Rules as to
notices by letter.

XLVII. Any document to be served by post on the company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a prepaid letter into the post office.

Authentication
of summons,
notice, or pro-
ceeding by com-
pany.

XLVIII. Any summons, notice, order, or proceeding requiring authentication by the company, may be signed by any director, secretary, or other authorised officer of the company, and need not be under the common seal of the company, and the same may be in writing or in print, or partly in writing and partly in print.

LEGAL PROCEEDINGS.

XLIX. All penalties under this Act shall be recovered in a summary way before any salaried justice of the peace, or before any two other justices in manner provided for by the Act of the General Assembly of the Bahama Islands of the twelfth year of Her Majesty's reign, c. 10, or any Act amending the same; and all such penalties shall be applied in aid of the general revenue of the colony.

Mode of recovering penalties.

L. Every company under this Act shall cause minutes of all resolutions and proceedings of general meetings of the company, and of the directors or managers of the company, in cases where there are directors or managers, to be duly entered in books, to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had, or by the chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings; and until the contrary is proved, every general meeting of the company, or meeting of the directors or managers in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly held and convened, and all resolutions passed thereat, or proceedings had, to have been duly passed and had, and all appointments of directors, managers, or liquidators shall be deemed to be valid, and all acts done by such directors, managers, or liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

Evidence of proceedings of meetings, &c.

LI. Where a limited company is plaintiff in any action, suit, or other legal proceeding, any judge having jurisdiction in the matter may, if it appears by any credible testimony that there is reason to believe that if the defendant be successful in his defence the assets of the company will be insufficient to pay his costs, require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Security for costs in actions brought by limited companies.

LII. In any action or suit brought by the company against any member to receive any call or other monies due from such member in his character of member, it shall not be necessary to set forth the special matter, but it shall be sufficient to allege that the defendant is a member of the company, and is indebted to the company in respect of a call made or other monies due whereby an action or suit hath accrued to the company.

Declaration in action against members.

LIII. Any company under this Act may from time to time, by writing under its common seal, agree to refer and may refer to arbitration any existing or future difference, question, or other matter whatsoever in dispute between itself and any other company or person; and the companies parties to the arbitration may delegate to the person or persons to whom the reference is made, power to settle any terms or to determine any matter capable of being lawfully settled or determined by the companies themselves or by the directors or other managing body of such companies.

Power for companies to refer matters to arbitration.

LIV. This Act may be cited for all purposes as "The Companies' Act, 1866."

Short title of Act.

No. 3.

31 Vic. c. 4. *An Act to amend the Companies' Act, 1866.* (Assented to 1st April, 1868.)

PRELIMINARY.

Name of Act.

I. This Act may be cited for all purposes as "The Companies' Act, 1868."

Companies' Act of 1866 and 1868 to be construed as one.

II. The Companies' Act, 1866, is hereinafter referred to as "the Principal Act," and the Principal Act and this Act are hereinafter distinguished as, and may be cited for all purposes as "The Companies' Acts, 1866 and 1868," and this Act shall, so far as is consistent with the tenor thereof, be construed as one with the Principal Act, and the expression "this Act" in the Principal Act, and any expression referring to the Principal Act which occurs in any Act or other document, shall be construed to mean the Principal Act as amended by this Act.

When this Act shall come into force.

III. This Act shall come into force on the first day of July, one thousand eight hundred and sixty-eight, which date is hereinafter referred to as the commencement of this Act.

UNLIMITED LIABILITY OF DIRECTORS.

When a Companies' Act may be unlimited.

IV. When after the commencement of this Act a company is formed as a limited company under the Principal Act, the liability of the directors or managers of such company, or the managing director may, if so provided by the memorandum of association, be unlimited.

Modifications of 9th section of Principal Act.

V. The following modifications shall be made in the twenty-ninth section of the Principal Act, with respect to the contributions to be required in the event of the winding up of a limited company under the Principal Act, from any director or manager whose liability is in pursuance of this Act unlimited:—

First.

1. Subject to the provisions hereinafter contained, any such director or manager, whether past or present, shall, in addition to his liability (if any) to contribute as an ordinary member, be liable to contribute as if he were at the date of the commencement of such winding up a member of an unlimited company.

Second.

2. No contribution required from any past director or manager, who has ceased to hold such office for a period of one year or upwards, prior to the commencement of such winding up, shall exceed the amount (if any) which he is liable to contribute as an ordinary member of the company.

Third.

3. No contribution required from any past director or manager, in respect of any debt or liability of the Company, contracted after the time at which he ceased to hold such office, shall exceed the amount (if any) which he is liable to contribute as an ordinary member of the company.

Fourth.

4. Subject to the provisions contained in the regulations of the company, no contribution required from any director or manager shall exceed the amount (if any) which he is liable to contribute as an ordinary member, unless the Court deems it necessary to require such contribution in order to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of the winding up.

ASSOCIATIONS NOT OF PROFIT.

Circumstances under which the Governor may license a company to be regis-

VI. Where any association is about to be formed under the Principal Act as a limited company, if it proves to the satisfaction of the Governor in Council, that it is formed for the purpose of promoting

commerce, art, science, religion, charity, or any other useful object, and that it is the intention of such association to apply the profits (if any) or other income of the association, in promoting its objects, and to prohibit the payment of any dividend to the members of the association, the Governor may, by licence under his hand and Seal at Arms, direct such association to be registered with limited liability without the addition of the word limited to its name, and such association may be registered accordingly, and upon registration shall enjoy all the privileges and be subject to the obligations by this Act imposed on limited companies, with the exceptions that none of the provisions of this Act that require a limited company to use the word limited as any part of its name, or to publish its name, or to send a list of its members, directors, or managers, to the Registrar, shall apply to an association so registered.

tered without
"limited" to its
name.

The licence aforesaid may be granted upon such conditions, and subject to such regulations as the Governor, acting with the advice of the Executive Council, may think fit to impose, and such conditions and regulations shall be binding on the association, and shall be inserted in or endorsed on the memorandum or articles of association.

CONTRACTS.

VII. Contracts on behalf of any company under the Principal Act may be made as follows :

How contracts
may be made.

1. Any contract which if made between private persons, would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the company in writing, under the common seal of the company, and such contract may be in the same manner varied or discharged. First.
2. Any contract which if made between private persons, would be by law required to be in writing, and signed by the parties to be charged therewith, may be made on behalf of the company in writing, signed by any person acting under the express or implied authority of the company, and such contracts may in the same manner be varied or discharged. Second.
3. Any contract which if made between private persons, would by law be valid, although made by parole only, and not reduced into writing, may be made by parole on behalf of the company, by any person acting under the express or implied authority of the company, and such contract may in the same way be varied or discharged. Third.
4. And all contracts made according to the provisions herein contained, shall be effectual in law, and shall be binding upon the company and their successors, and all other parties thereto, their heirs, executors or administrators, as the case may be. Fourth.

WINDING UP.

VIII. That all and singular the provisions contained in the 4th part of the Statute of the Imperial Parliament, passed in the 25th and 26th years of Her present Majesty's reign, entitled an Act for the Incorporation, Regulation, and Winding up of Trading Companies and other Associations, shall extend to, and be in force in this colony, for the purpose of the winding up companies under the Principal Act, and this Act, as far as such provisions are applicable to this colony, with the following alterations, that is to say: that the expression "the Court" as used therein, shall mean the equity side of the General Court; the words "the Registrar of Joint Stock Companies" shall mean the Registrar of Records.

Statute of Impe-
rial Parliament
extended to this
colony.

No. 4.

44 Vic. c. 12. *An Act entitled "An Act to incorporate a certain Joint Stock Company formed in the Island of New Providence under the style of the 'Nassau Fire and Marine Insurance Company.'" (Assented to 2nd April, 1881.)*

PREAMBLE.

WHEREAS certain inhabitants of the Island of New Providence, to wit: Samuel Otis Johnson, Robert Henry Sawyer, George Thomas Robert Kemp, William Edward Armbrister, John Sargent Darling, William James Weech, Joseph Benson Albury, Ernest Kingsbury Moore, Thomas Paul Moore, Charles Menendez, Arthur Grenville Sweeting, Joseph Roker, Edward Yorick Webb, Edwin Samuel Hall, Abram Turton Holmes, Alfred Holmes, James Henry Gamblin, Percy James Moseley, Richard Wightman Farrington, Daniel Shepherd Farrington, David Andrew Brice, Edward Chisholm Kemp, and Samuel Preston Saunders, having formed themselves into a Joint Stock Company for effecting Fire and Marine Insurance, under the style of the "Nassau Fire and Marine Insurance Company," have by a petition to the Legislature, presented on their behalf by Robert Henry Sawyer, John Sargent Darling, and Samuel Preston Saunders prayed for an Act of Incorporation. May it, &c.

Certain persons constituted a body corporate with title.

I. That the said Samuel Otis Johnson, Robert Henry Sawyer, George Thomas Robert Kemp, William Edward Armbrister, John Sargent Darling, William James Weech, Joseph Benson Albury, Ernest Kingsbury Moore, Thomas Paul Moore, Charles Menendez, Arthur Grenville Sweeting, Joseph Roker, Edward Yorick Webb, Edwin Samuel Hall, Abram Turton Holmes, Alfred Holmes, James Henry Gamblin, Percy James Moseley, Richard Wightman Farrington, Daniel Shepherd Farrington, David Andrew Brice, Edward Chisholm Kemp, and Samuel Preston Saunders, and such persons as shall henceforth from time to time be duly admitted members of the said Company, shall be and they are hereby constituted and declared to be a Body Corporate for the Insurance of Fire and Marine Risks under the name, style, and title of "The Nassau Fire and Marine Insurance Company," to have continuance and succession for ever.

Members authorized to elect office-bearers and make rules, &c.

II. That the members of the said Company shall have full power, and authority from time to time to elect or otherwise provide for the appointment of Office-bearers, and also to make, ordain, and prescribe Bye-laws, Rules, and Orders for the government of the said Company, and the regulation and management of its concerns, and the same from time to time to alter and amend as to them may seem expedient; *Provided* no such Bye-law, Rule, or Order, be repugnant to the laws of these Islands, or to those of the United Kingdom of Great Britain and Ireland having force and effect within the same.

Proviso.

Common seal may be used.

III. That the members of the said Company for the time being, and their successors for ever may have and use a common seal for transacting the business of the said Company, and such seal may break, change, and alter at their will and pleasure, and shall and may be capable in law to have, hold, purchase, receive, take, enjoy, and at their free will and pleasure sell, alien, demise, and otherwise dispose of all manner of real and personal property whatsoever, and shall and may be able and capable in law by the name, style and title aforesaid to sue and implead, be sued and impleaded, answer and be answered unto, in any Court or Courts of Record or elsewhere, in all actions or causes whatsoever, for touching or concerning any matter or thing appertaining to the said Company.

Property may be held and demised.

The company may sue and be sued.

Members only liable for their particular interest.

IV. That the members of the said Company so formed as aforesaid shall be individually liable, in their persons and property, for the debts, contracts, engagements, and liabilities of such Company to the extent

only of their particular interest therein and not otherwise ; and no officer of the Company shall, by reason of his being party to executing in his capacity as an officer any contract or other instrument on behalf of the Company or otherwise lawfully executing any of the powers given to him as such officer, be subject to be sued or prosecuted, or his body, lands, or goods taken in execution except to the same extent and in like manner as an individual member would be.

V. That the Secretary of the said Company shall, within three months after the passing of this Act, and afterwards, from time to time, as other parties shall be admitted members of the said Company, or any shares therein shall be transferred, make, or cause to be made, a return to the Office of the Registrar of Records of these Islands containing the name or style of the said Company or body, the business or purpose for which the said Company is formed, the principal or only place for carrying on such business, the total number of shares in the said Company, and the names and places of abode of all the members thereof, and the amount of capital for which each member is responsible.

Secretary to
make certain
returns.

VI. That the bankruptcy, insolvency, or stopping payment of any member of the said Company in his individual capacity shall not be construed to be the bankruptcy, insolvency, or stopping payment of the Company.

Bankruptcy.

VII. That in all cases wherein it may be necessary for any person to serve any summons, demand or notice, or any writ or other proceeding at law or in equity, or otherwise upon the said Company, service thereof respectively on the Secretary of the said Company, or by leaving the same at the principal office, for the time being, of the said Company ; or in case such Secretary of the said Company shall not be found or known, then service thereof on the President or Vice-President of the said Company, or on any agent or other officer of the said Company, or by leaving the same at the usual place of abode of such agent or officer, shall be deemed good and sufficient service of the same, respectively, on the said Company.

How summonses
may be served,
&c.

VIII. That in all cases wherein it may be necessary for the said Company to give any summons, demand or notice of any kind whatsoever to any person, whether under the provisions or directions contained in this Act, or otherwise, such summons, demand, or notice may be given in writing, signed by the Secretary, Attorney, or Solicitor, for the time being, of the said Company, without being required to be under the common seal of said Company.

Common seal
need not be at-
tached to sum-
mons, demand,
&c.

IX. That in case of the determination of the Company it shall nevertheless be considered as subsisting, and so be in all respects subject to the provisions of this Act so long and so far as any matters relating to it shall remain unsettled, to the end and intent that the said Company may do all things necessary to the winding up of the concerns thereof, and that it may be sued and sue under the provisions of this Act in respect of all matters relating to the said Company.

In case of deter-
mination of com-
pany.

No. 5.

48 and 49 Vic. c. 31. *An Act to enable "The Nassau Fire and Marine Insurance Company" to carry on the business of a Guarantee Insurance Society.* (Assented to 22nd August, 1885.)

I. It shall be lawful for the Nassau Fire and Marine Insurance Company in addition to the business now carried on by the said Company of insuring fire and marine risks to engage in the business of a Guarantee

Bonds may be
entered into.

Bonds by whom
signed.

Incorporated
with Act 44 Vic.
c. 12.

Liability of mem-
bers not in-
creased.

Insurance Society, and to enter into bonds or agreements for the faithful discharge by any person or persons filling any office or position of trust, whether public or private, of the duties of any such office or position.

II. All bonds or agreements, so entered into, shall be signed in the name and on behalf of the said Company, by the President and Two Directors thereof, and sealed with the common seal of the said Company; and all bonds and agreements, so signed and sealed, shall bind the said Company and the members thereof in the same and the like manner as policies insuring fire and marine risks now issued by the said Company bind such Company and the members thereof.

III. This Act shall be deemed to be incorporated with the Act of the forty-fourth year of Her Majesty's reign, chapter 12, and shall be read with the said Act as if the same had been originally included therein.

IV. Nothing herein contained shall be held to extend or increase the liability of the members of the said Nassau Fire and Marine Insurance Company beyond that fixed by the fourth section of the Act of Assembly, 44 Vic. c. 12.

No. 6.

52 Vic. c. 1. *An Act to incorporate a certain Joint Stock Company formed in the Island of New Providence under the style of "The Bank of Nassau."* (Assented to 22nd November, 1888.)

PREAMBLE.

WHEREAS Robert Henry Sawyer, Robert Dunlop, Joseph Benson Albury, Robert Henry Curry, James Alexander Rodgers, John Thomas Foulkes, Thomas Hilton Cheeseborough Lofthouse, Charles Menendez, Joseph Charles Musgrove, James William Culmer, and Thomas Russell have presented a petition to the Legislature setting forth that they have formed themselves into a Joint Stock Company with limited liability, for the purpose of carrying on the business of banking in the City of Nassau, under the style of "The Bank of Nassau," that the proposed amount of the capital stock of such Company is Ten thousand pounds; and the said petitioners have prayed for an Act of Incorporation. May it, &c.

Certain persons
constituted a
body corporate
with title.

I. The said Robert Henry Sawyer, Robert Dunlop, Joseph Benson Albury, Robert Henry Curry, James Alexander Rodgers, John Thomas Foulkes, Thomas Hilton Cheeseborough Lofthouse, Charles Menendez, Joseph Charles Musgrove, James William Culmer, and Thomas Russell, and such persons as shall henceforth from time to time be duly admitted Members of the said Company, shall be, and they are hereby constituted and declared to be a Body Corporate, under the name, style, and title of "The Bank of Nassau," to have continuance and succession for ever.

Capital.

II. The Capital of such Company shall be Ten thousand pounds to be issued in Five Pounds shares, which shall be fully paid up.

Members autho-
rised to elect
office-bearers and
make rules, &c.

III. The Members of the said Company shall have full power and authority from time to time, to elect or otherwise provide for the appointment of office—bearers and directors, and also to make, ordain, and prescribe bye-laws, rules, and orders for the government of the said Company, and the regulation and management of its concerns, and the said bye-laws, rules, and regulations from time to time to alter and amend, as to them may see expedient. *Provided* that no such bye-law, rule, or order be repugnant to the conditions of this Act or the laws of these Islands, or to those of the United Kingdom of Great Britain and Ireland having force and effect within the same.

Proviso.

Common seal
may be used.

IV. The members of the said Company for the time being and their successors for ever, may have and use a Common Seal for transacting the business of the said Company, and such Seal may break, change, and

alter at their will and pleasure, and shall and may be able and capable in law by the name, style, and title aforesaid to sue and implead, be sued and impleaded, answer and be answered in any Court or Courts of Record, or elsewhere, in all actions or causes whatsoever, for, touching, or concerning any matter or thing appertaining to the said Company.

Company may sue and be sued.

V. The Members of the said Company shall be individually liable in their persons and property for the debts, contracts, engagements, and liabilities of such Company to the extent of twice the amount of their subscribed shares (that is for the amount subscribed and for a further and additional amount equal thereto).

Liability of members.

VI. The said Company shall keep a Book in which shall be recorded the names and places of abode of all the Members, and the number of shares which each Member has subscribed and paid for, entering in such Book every transaction showing the transfer of shares as made, and the names of the transferor and transferee.

Register of members.

VII. In all cases wherein it may be necessary for any person to serve any summons, demand, or notice or any writ or other proceeding at law, or in equity, or otherwise, upon the said Company, service thereof respectively on the Cashier of the said Company, or by leaving the same at the principal office, for the time being, of the said Company; or in case such Cashier of the said Company shall not be found or known, then service thereof on the President or Vice-President of the said Company, or on any agent or other officer of the said Company, or by leaving the same at the usual place of abode of such agent or officer, shall be deemed good and sufficient service of the same respectively on the said Company.

How summonses, &c., may be served.

VIII. In all cases wherein it may be necessary for the said Company to give any summons, demand, or notice of any kind whatsoever to any person, whether under the provisions of this Act or otherwise, such summons, demand, or notice may be given in writing, signed by the Cashier, Attorney, or Solicitor for the time being of the said Company without being required to be under the Common Seal of the said Company.

Common seal need not be attached to summons, demands, &c.

IX. The said Company, subject to the conditions hereafter mentioned, shall have the right during the period of twenty-one years after the coming into operation of this Act to carry on the business of banking within these Islands, and shall also have the right, in connection with such business, to issue and circulate, within these Islands, promissory notes for sums not less than five shillings, such notes to bear date at the place of issue, and to be payable on demand in specie at the Office of the said Company, and which said notes shall not be liable to stamp duty.

Period for which company may carry on the business of banking.

Promissory notes.

X. It shall not be lawful for the said Company to commence Banking business, nor to issue any notes, until the Capital Stock of the said Company shall have been subscribed and fully paid for.

When company may begin business.

XI. The said Company before issuing any notes under this Act shall deposit with the Receiver-General and Treasurer of these Islands, interest-bearing securities of the United Kingdom, or the United States of America, or of any British Possession, to be approved of by the Governor in Council, or gold or silver coins lawful money of the Bahama Islands, for the amount of the notes intended to be issued, and all notes so issued shall be in the form in the Schedule A. to this Act annexed, shall be signed by the President and Cashier to the said Company, and countersigned by the said Receiver-General and Treasurer.*

How notes shall issue.

XII. The securities deposited by the Company under the eleventh section of this Act, shall be retained by the Receiver-General and Treasurer, subject to the order of the Governor in Council, to meet any of the notes issued by the said Company, should the said Company fail at any time to redeem the same in specie when presented for payment at the office of the said Company.

Securities to be retained by Receiver-General and Treasurer to meet company's notes.

* Amended by 53 Vic. c. 1, *post*, No. 8 of this Class.

Interest-bearing securities to be assigned, by deed, to Receiver-General and Treasurer, in trust.

Company to collect and receive interest thereon.

Transfer of shares to be made with consent of directors.

Suspension of specie payments.

Limitation of debts and liabilities of company.

Unlawful for company to hold shares in its own stock, &c.

Confines transactions of company.

Proviso.

How worn notes may be dealt with.

Receiver-General and Treasurer to countersign new notes.

How new notes are to be numbered.

XIII. Where interest-bearing securities are intended to be deposited under the eleventh section of this Act, it shall be the duty of the said Company to deliver to the Receiver-General and Treasurer at the time of such deposit a properly executed deed assigning the said Securities to the said Receiver-General and Treasurer, to be held by him in trust for the purposes mentioned in the twelfth section of this Act, in which said assignment provision shall be made permitting the said Company to collect and receive the interest growing due on such securities so long as the said Company fulfils its obligations by paying on demand the notes issued by it; and such assignment, or assignments, shall be exempt from the payment of any stamp duty.

XIV. No transfer of shares made by any shareholder of the said Company shall be valid or effectual unless the same has been made with the consent of the Directors of the said Company.

XV. In case of the suspension of specie payments on demand by the said Company for the space of sixty days in any year, either consecutively or at intervals, or of the breach of any of the conditions upon which the said Company is empowered to carry on a Banking business, and to issue and circulate notes, the privileges hereby conferred upon the said Company shall cease and determine as if the period of time limited therefore by this Act had expired.

XVI. The total amounts of the debts and liabilities of the said Company, whether upon bonds, bills, promissory notes, or otherwise contracted, over and above the amount of Deposits on Banking Accounts with the said Company, shall not at any time exceed three times the amount of the Capital Stock of the said Company subscribed and actually paid up.

XVII. It shall not be lawful for the said Company to do any of the following things:—

- (a.) To hold shares in its own stock, nor make advances on the security of those shares.
- (b.) To make advances on the security of lands, houses, or ships; nor to hold any lands, or houses, except for the transaction and carrying on of its business, nor to own ships or be engaged in trade except as Dealers in Bullion, Bills of Exchange, or Promissory Notes.

XVIII. The said Company shall confine its transactions to discounting commercial paper and negotiable securities, and other legitimate Banking business. Provided, that nothing contained in this or the next preceding section shall prevent the said Company from accepting lands or houses, or ships, or shares in the Capital Stock of the Company, or other real or personal property in liquidation of, or as a security for, any debt *bond fide* previously due to the Company, or as a security for the payment of any sum for which any person may have rendered himself liable to the Company, and holding them for such reasonable time as may be necessary to dispose of and convert the same into money.

XIX. Whenever, in the opinion of the Directors of the Company, any of the Notes issued under the authority of this Act and presented for payment and paid, have become worn, or otherwise unfit for circulation, it shall be lawful for the said Directors to cancel and destroy such notes, and issue others in lieu of the same; such cancellation and destruction to be made in the presence of the Receiver-General and Treasurer.

XX. It shall be lawful for the said Receiver-General and Treasurer to countersign any notes issued in lieu of those cancelled in the same manner as notes originally issued under this Act.

XXI. All notes issued in lieu of those cancelled shall bear the numbers following upon the last number of the original issue and not the numbers of such cancelled notes.

XXII. The said Company shall cause to be made up and published in the public newspaper of the Colony in which Government notices are published, semi-annual statements of its assets and liabilities, showing, under the heads specified in the form in the Schedule B. to this Act annexed, the average of the amount of its notes in circulation, and other liabilities, at the termination of each month during the period to which the statement refers, and the average amount of specie or other assets that were available to meet the same.

Semi-annual
statements to be
published.

XXIII. Such statements shall be signed by two or more of the Directors of the Company for the time being; and the correctness thereof shall be declared to by the Cashier of the said Company before a Justice of the Peace.

Signing, &c., of
statements.

XXIV. Any discounts or advances made by the said Company, on securities bearing the name of any Director or Officer thereof, as drawer, receptor, or endorser, shall not exceed at any time one third of the total advances and discounts of the said Bank.

Discounts and
advances.

XXV. All Dividends to shareholders of the said Company shall be made out of profits only, and not out of the subscribed capital of the said Company.

Dividends.

XXVI. The said Company may, at any time within the period granted them by this Act for carrying on their business, add to and increase their capital stock; and where such capital stock has been increased, such additional capital and the shares and subscriptions constituting the same shall be subject in every respect to the same and the like conditions and regulations as apply to the original capital of the Company subscribed under this Act.

Company may
increase their
capital stock,

XXVII. A semi-annual audit of the Books, Accounts, and Vouchers of the said Company, and an examination of the notes, securities, and money held by them shall be made upon such days as may be declared by any bye-law or rule of the Company. Such audit shall be made by two persons to be elected by a majority of the shareholders of the Company, at an election to be held in the manner provided for by any bye-law or rule as aforesaid.

Audit.

XXVIII. Every person making a false declaration under this Act shall be liable, on conviction, to be punished in the same and the like manner as parties making false declarations are now punishable under and by virtue of the Act of Assembly twenty-ninth Victoria, chapter four.

Punishment for
false declara-
tions.

XXIX. In case of the determination of the Company it shall nevertheless be considered as subsisting, and so be in all respects subject to the provisions of this Act, so long and so far as any matters relating to it shall remain unsettled, to the end and intent that the said Company may do all things necessary to the winding up of the concerns thereof, and that it may be sued, and sue under the provisions of this Act in respect of all matters relating to the said Company.

In case of deter-
mination of com-
pany.

XXX. The words "Receiver-General and Treasurer" as used in this Act shall be construed to include and mean the Acting Receiver-General and Treasurer of the Colony.

Construes words
"Receiver-Gen-
eral and Treas-
urer."

XXXI. The Act of Assembly 51 Victoria, chapter 14, shall be and the same is hereby repealed.

Repeals.

Schedules.

SCHEDULE A.

No.

(Value.)

Secured by approved Government Securities, or coin deposited with the Receiver-General and Treasurer.

Receiver-General and Treasurer.

THE BANK OF NASSAU

Hereby promises to pay to bearer on demand the sum of (here insert amount).

Nassau, N.P.

18

President.

Value.

Cashier.

SCHEDULE B.

Return of the Average Amount of Liabilities and Assets of "The Bank of Nassau" during the periods from to

LIABILITIES.

Promissory notes in circulation not bearing interest... £
Bills of Exchange in circulation not bearing interest... £
Bills and Notes in circulation bearing interest..... £
Balances due to other Banks. £
Cash deposits not bearing interest..... £
Cash Deposits bearing interest £
To Shareholders for capital paid up £
To ditto for additions declared to shares (if any) £
To ditto for Dividends remaining unpaid (if any)..... £

Total average liabilities . £

ASSETS.

Coin and Bullion..... £
Landed or other property held as security for debts due to the Corporation... £
Government Securities £
Promissory Notes or Bills of other Banks £
Balances due from other Banks £
Notes and Bills discounted or other debts due to the Corporation not included under the foregoing heads and exclusive of debts abandoned as bad £

Total average assets.... £

No. 7.

52 Vic. c. 12. *An Act to incorporate a certain Joint Stock Company formed in the Island of New Providence under the style of "The Bahamas Hemp Company."* (Assented to 9th May, 1899.)

WHEREAS certain inhabitants of these Islands, to wit, Michael Christopher Knowles, Hilton Cheesbrough Albury, Orlando Francis Pritchard, Robert Nelson Musgrove, Joseph Benson Albury, Theodore Knowles, Joseph Elias Dupuch, Nathaniel James Bascome, James Albert North, and John Alfred, having formed themselves into a Joint Stock Company with limited liability for promoting the cultivation of fibrous plants, have by petition to the Legislature prayed for an Act of Incorporation. May it, &c. PREAMBLE.

I. The said Michael Christopher Knowles, Hilton Cheesbrough Albury, Orlando Francis Pritchard, Robert Nelson Musgrove, Joseph Benson Albury, Theodore Knowles, Joseph Elias Dupuch, Nathaniel James Bascome, James Albert North, and John Alfred, and such persons as shall henceforth from time to time be duly admitted members of the said Company shall be, and they are hereby constituted and declared to be, a Body Corporate for promoting the cultivation of fibrous plants, and for the purchasing and the manufacturing of Fibre under the name, style, and title of "The Bahamas Hemp Company" to have continuance and succession for ever. Certain persons constituted a body corporate with title.

II. The members of the said Company shall have full power and authority from time to time to elect or otherwise provide for the appointment of office-bearers, and also to make, ordain, and prescribe bye-laws, rules, and orders for the government of the said Company and the regulation and management of its concerns and the same from time to time to alter and amend as to them may seem expedient. Provided that no such bye-law, rule, or order be repugnant to the laws of these Islands, or to those of the United Kingdom of Great Britain and Ireland having force and effect within the same. Members authorised to elect office-bearers and make rules, &c.
Proviso.

III. The members of the said Company for the time being and their successors for ever may have and use a common Seal for transacting the business of the said Company, and such Seal may break, change, and alter at their will and pleasure, and shall and may be capable in law to have, hold, purchase, receive, take, enjoy, and at their free will and pleasure sell, alien, demise, and otherwise dispose of all manner of real and personal property whatsoever, and shall and may be able and capable in law by the name, style, and title aforesaid to sue and implead, be sued and impleaded, answer and be answered in any Court or Courts of Record or elsewhere, in all actions or causes whatsoever for, touching, or concerning any matter or thing appertaining to the said Company. Common seal may be used.
Company may sue and be sued.

IV. The members of the said Company so formed as aforesaid shall be individually liable in their property for the debts, contracts, engagements, and liabilities of such Company to the extent only of their particular interest therein and not otherwise, and no officer of the Company shall by reason of his being party to executing, in his capacity as an officer, any contract or other instrument on behalf of the Company, or otherwise lawfully executing any of the powers given to him as such officer, be subject to be sued or prosecuted or his lands or goods taken in execution except to the same extent and in like manner as an individual member would be. Liability of members.

V. The bankruptcy or insolvency or stopping payment of any member of the Company in his individual capacity shall not be construed to be the bankruptcy, insolvency, or stopping payment of the Company. Bankruptcy.

President to
make certain
returns.

VI. The President of the said Company shall, within three months after the passing of this Act and afterwards from time to time as other parties shall be admitted members of the said Company, or any shares therein shall be transferred, make, or cause to be made, a return to the office of the Registrar of Records of these Islands containing the name or style of the said Company, the business or purpose for which the said Company is formed the principal or only place for carrying on such business, the total number of shares in the said Company, and the names and places of abode of all the members thereof, and the amount of capital for which each member is responsible.

Capital of com-
pany may be
increased.

VII. The members of the said Company shall have the right at any time to increase the capital of the said Company and issue additional shares therein. Provided, however, that no such increase of capital shall be made, or additional shares issued except with the concurrence of three-fourths of the votes of the members of the said Company signified in a general meeting held for the special purpose of deciding whether such increase and addition shall be made of which meeting ten days notice thereof shall be given to each member of the said Company within the island of New Providence.

President to
make additional
returns.

VIII. When such increase of capital and issue of additional shares have been agreed upon at such general meeting the President of the said Company shall, within fifteen days after such general meeting, make, or cause to be made, a return to the office of Registrar of Records of these Islands containing a copy of the proceedings of such general meeting and the resolutions adopted thereat, showing the amount of increase in the capital of the said Company, the number of additional shares issued, the names and places of abode of the members subscribing for and purchasing such additional shares, and the amount of the increased capital for which each such member is responsible.

Section VI. of
this Act to apply
to additional
shares.

IX. The provisions of the sixth section of this Act requiring a return to be made with respect to the transference of the original shares of the said Company shall apply to the transfer of the additional shares authorized to be issued by this Act.

How summonses,
&c., may be
served.

X. In all cases wherein it may be necessary for any person to serve any summonses, demand, notice, or any writ, or other proceeding at law or in equity, or otherwise upon the said Company, service thereof respectively on the President of the Company or by leaving the same at the principal office for the time being of the said Company; or in case such President of the said Company shall not be found or known then service thereof on any officer of the said Company or by leaving the same at the usual place of abode of such agent or officer, shall be deemed good and sufficient service of the same respectively on the said Company.

Common seal
need not be at-
tached to sum-
mons, &c.

XI. In all cases wherein it may be necessary for the said Company to give any summonses, demand, or notice of any kind whatsoever to any person whether under the provisions or directions contained in this Act or otherwise such summonses, demand, or notice may be given in writing signed by the President, Attorney, or Solicitor for the time being of the said Company, without being required to be under the common seal of the said Company.

In case of deter-
mination of com-
pany.

XII. In case of the determination of the Company it shall nevertheless be considered as subsisting, and to be in all respects subject to the provisions of this Act so long and so far as any matters relating to it shall remain unsettled to the end and intent that the said Company may do all things necessary to the winding up of the concerns thereof, and that it may be sued and sue under the provisions of this Act in respect of all matters relating to the said Company.

No. 8.

53 Vic. c. 1. *An Act to amend the Act 52 Victoria, chapter 1, entitled "An Act to incorporate a certain Joint Stock Company formed in the Island of New Providence under the style of 'The Bank of Nassau.'" (Assented to 7th November, 1889.)*

I. The eleventh section of the Act 52 Victoria, chapter 1, shall henceforth be read, construed, and printed as if the word "Government" had been inserted therein between the words "bearing" and "securities" in the third line of the said section. Reading and construction of Section 11 of 52 Vic. c. 1.

II. The addition and increase of Capital Stock authorized by the twenty-sixth section of the original Act shall be limited to Fifteen thousand pounds; such increase to that amount may be made at one time, or at various times in smaller sums until the aggregate reaches the above limit. *Provided, however,* that such increase, whether as a whole or by smaller sums as aforesaid, shall in each case only be made after a special resolution authorizing the same has been passed by a majority of not less than three-fourths of the votes at a meeting of the shareholders, of which public notice specifying the intention to propose such resolution has been duly given. Limits increase of capital stock to £15,000.

III. The said Company shall cause a report of every audit made under the twenty-seventh section of the original Act, together with the balance sheet prepared at and for such audit, to be duly published in the newspaper in which Government Notices are published within fourteen days after such report and balance sheet have been made and prepared. Proviso.
Report of every audit and balance sheet to be published.

No. 9.

54 Vic. c. 3. *An Act to enable Companies formed and incorporated without the Colony to hold lands therein, and for other purposes. (Assented to 5th June, 1891.)*

I. It shall be lawful for any Company formed and incorporated at any place without the Bahama Islands for the purpose of acquiring lands within the said Islands to hold lands in the said Islands in their corporate name and the same to deal with, transfer, mortgage, and dispose of as to it may seem meet. Companies formed and incorporated without the colony may hold lands therein.

Provided, however, that the privileges granted to any Company as aforesaid shall only exist in the case of a Company which observes the following conditions, that is to say: Proviso.

A. Has deposited, or caused to be deposited, for record in the Office of Registrar of Records of these Islands a copy of the Act or Charter of Incorporation of such Company duly certified and authenticated under the Public Seal of the Country, City, or place under the laws of which the said Company has been incorporated and has paid the recording fees thereon.

B. Has caused a Public Notice to be inserted in the Official Newspaper of the Colony to the effect that such certified copy has been deposited as required by this Act, and also setting forth the Island or place within these Islands in which the Company has established an office for the transaction of its business.

II. It shall be lawful for the Registrar of Records to record every copy of Act or Charter of incorporation required by this Act to be deposited in his office in the same manner as other documents are now recorded by law upon the same being lodged for such purpose. Copy of Act or Charter of incorporation may be recorded by Registrar of Records.

Extends provisions of "The Companies Act, 1866," and "The Companies Act, 1868."

Grants, leases, or conveyances of lands already made deemed valid.

Proviso.

III. The provisions of "The Companies Act, 1866," and "The Companies Act, 1868," in so far as the same can be made applicable to Companies under this Act, shall extend to such Companies in the same manner as if such Companies had been formed and incorporated under the aforesaid Acts.

IV. Where grants, leases, or conveyances of lands within these Islands have been made and issued prior to the passing of this Act to any Company formed and incorporated without these Islands for the purposes set out in the first clause of this Act, such grants, leases, and conveyances shall be valid and effectual for the purposes of this Act as if the same had been made and issued after the passing hereof. *Provided*, that every such Company shall, within twelve months after the passing hereof, observe and fulfil the conditions A. and B. in the first section of this Act required to be performed by a Company described therein, and where such conditions have been fulfilled the other provisions of this Act shall apply to Companies mentioned therein.*

No. 10.

58 Vic. c. 10. *An Act to amend the Act of Assembly 54 Victoria, chapter 3, enabling Companies formed without the Colony to hold lands therein.* (Assented to 26th April, 1895.)

Amends sec. 4,
54 Vic. c. 3.

I. In reading hereafter the fourth section of the Act of Assembly, 54 Victoria, chapter 3, the words "twelve months" in the proviso thereof shall be omitted, and the words "seven years" inserted and read in lieu thereof.

No. 11.

61 Vic. c. 2. *An Act to enable the Fort Dallas Land Company of Florida, in the United States of America, to hold lands within these Islands.* (Assented to 26th January, 1898.)

Fort Dallas Land Company enabled to hold lands.

Proviso.

Copy of Act or Charter of Incorporation may be recorded.

Extends provisions of "The Companies Act, 1866," and "The Companies Act, 1868."

I. That it shall be lawful for the said Fort Dallas Land Company to acquire and hold lands within these Islands in their corporate name, and the same to deal with, transfer, mortgage, and dispose of as they may deem fit:

Provided, however, that the privilege hereby granted to the said Fort Dallas Land Company shall only be enjoyed upon their complying with the requirements specified and set forth in sub-sections A and B of Section I. of the Act of Assembly, 54 Victoria, chapter 3.

II. It shall be lawful for the Registrar of Records to record the copy of the Act or Charter of Incorporation of the said Fort Dallas Land Company deposited in his Office in accordance with the requirements aforesaid, as other documents are now recorded by law, upon the same being lodged for such purpose.

III. The provisions of "The Companies Act, 1866," and "The Companies Act, 1868," in so far as the same can be made applicable, shall extend to the said Fort Dallas Land Company in the same manner as if the said Company had been formed and incorporated under the aforesaid Companies Acts.

* Extended to seven years by 58 Vic. c. 10, *post*, No. 10 of this Class.

CLASS V.

LITERARY AND SCIENTIFIC INSTITUTIONS AND
LAW LIBRARY.

No. 1.

10 Vic. c. 35. *An Act for establishing and supporting a Public Library and Museum in the town of Nassau.* (25th March, 1847.)

WHEREAS a Public Library is much needed in this community, and the establishment of such an institution, together with a museum, would prove generally beneficial; We, &c., That a public library and museum shall be established in the town of Nassau, which shall be called the Bahama Library and Museum, and of which *the Governor of these islands for the time being, the Chief Justice for the time being, the Public Secretary for the time being, and the Attorney-General for the time being, with three non-official persons to be nominated annually by the Governor in Council,* shall be trustees, with full power and authority to accept as donations, and to purchase out of the funds of the institution such books, maps, prints, philosophical and other instruments and apparatus, and such natural curiosities as they shall deem proper from time to time to place therein, and to make and establish suitable regulations for the management, arrangement, preservation, access to, and use of the same; and, if they shall think fit, for the loan of books, other than books of reference, from the same; and the said regulations or any of them, from time to time in their discretion, to alter, add to, or annul, and for any so annulled, others to substitute, and out of the funds of the said institution to provide for the lighting and keeping clean the same: **PROVIDED, HOWEVER,** that all such regulations and every subsequent addition thereto, or alteration, annulment, or substitution thereof, shall, before the same shall take effect, be submitted to and approved by the Governor in Council; **AND PROVIDED FURTHER,** that the said library shall include a collection of books suitable for a working man's library, which shall be made available to the labouring classes of the community, under the regulations aforesaid, by a low scale of subscriptions adapted to their means.*

PREAMBLE.

Library and
Museum to be
established in
Nassau.

Trustees named.

Powers of trustees.

Proviso.

Public library to
include a collection
of books
suitable to a
working man's
library.

II. Repealed by 32 Vic. c. 13.

III. That one or more suitable room or rooms in one of the public buildings, now, or which may hereafter be erected in the town of Nassau, to be selected by the Governor, shall be devoted to the purpose of the said library and museum, and shall, under the direction of the trustees aforesaid, be fitted up with suitable bookcases, shelves, stands, and such other appropriate furniture as may be necessary, the expense of which to the amount of one hundred and fifty pounds shall be defrayed out of the Public Treasury.

One or more
suitable rooms to
be appropriated
for the library
and museum.Grant for the
purpose.

IV. That the trustees aforesaid shall have authority to appoint a librarian and keeper for the said library and museum, and such appointment, when they shall think fit to revoke, and a new appointment to make whenever, from death or any other cause, the office shall become vacant, and to allow the person so appointed, out of the funds of the Institution, reasonable remuneration for his services.

Librarian to be
appointed.

V. That the trustees aforesaid shall cause a report of the state of the said library and museum, and of the funds thereof, to be annually made to the Legislature when in Session.

Annual report to
be made to Legis-
lature.

* So much of this clause as declares that the Governor, the Chief Justice, and the Attorney-General for the time being, with three non-official persons to be nominated annually by the Governor in Council, shall be trustees, is repealed by 27 Vic. c. 18, *post*, No. 5 of this Class.

No. 2.

17 Vic. c. 13. *An Act to aid the establishment of a Public Library at Dunmore Town, Harbour Island.* (10th March, 1854.)

PREAMBLE.

Establishment of
Harbour Island
Reading Room.

The rector, the
resident Wes-
leyan minister,
and resident jus-
tices of the peace
to be trustees of
the institution,
with power to
accept donations,
purchase books,
&c., and make
regulations.

Quorum.

WHEREAS an institution has lately been established at Dunmore Town, Harbour Island, in the parish of St. John, for the diffusion of literature and science, under the style of the Harbour Island Reading Room, the office-bearers and members of which have petitioned the Legislature for aid; AND WHEREAS the establishment of an institution of such a character deserves the encouragement of the Legislature; May it, &c.

I. That the rector of the said parish, for the time being, the resident Wesleyan minister at Dunmore Town, aforesaid, for the time being, and the resident justices of the peace for the Harbour Island District for the time being, if subscribing members, shall be the trustees of the said institution, and shall have full power and authority to accept donations, and to purchase out of the funds of the institution such books, pamphlets, newspapers, and other articles as they shall deem proper for the use of the institution, and to make and establish suitable regulations for the management thereof.

II. That three of such trustees shall form a quorum for the transaction of all business.

III. Repealed by 32 Vic. c. 13.

No. 3.

18 Vic. c. 7. *An Act to aid the establishment of a Public Reading Room and Library at Mathew Town, Inagua.* (9th March, 1855.)

PREAMBLE.

Trustees of Read-
ing Room and
Library at
Mathew Town,
Inagua.

WHEREAS an institution has lately been established at Mathew Town, Inagua, in the parish of Saint Philip, for the diffusion of literature and science, under the style of the Inagua Reading Room and Library, the trustees of which have petitioned the Legislature for aid: AND WHEREAS the establishment of an institution of such a character deserves the encouragement of the Legislature; May it, &c.

I. That the resident magistrate for the time being, the rector of the parish for the time being, the resident clergymen of any religious denomination, the justices of the peace for the Inagua district for the time being, if subscribing members shall be the trustees of the said institution, and shall have full power and authority to accept donations, and to purchase out of the funds of the institution such books, pamphlets, newspapers, and other articles as they shall deem proper for the use of the institution, and to make and establish suitable regulations for the management thereof.

Quorum.

II. That three of such trustees shall form a quorum for the transaction of all business.

III. Repealed by 32 Vic. c. 13.

No. 4.

25 Vic. c. 26. *An Act entitled "An Act for establishing a Reading Room and Library at New Plymouth, Abaco."* (Assented to 29th April, 1862.)

WHEREAS certain inhabitants of New Plymouth, Abaco, have petitioned the Legislature to establish a Reading Room and Library at New Plymouth aforesaid; May it, &c. PREAMBLE.

I. That the resident magistrate for the time being, the resident clergymen of any religious denomination, the justices of the peace for the district for the time being, if subscribing members, shall be the trustees of the said institution, and shall have full power and authority to accept donations, and to purchase out of the funds of the institution such books, pamphlets, newspapers, and other articles as they shall deem proper for the use of the institution, and to make suitable regulations for the management thereof. Trustees of Reading Room and Library at New Plymouth, Abaco.

II. That three of such trustees shall form a quorum for the transaction of all business. Quorum.

III. Repealed by 32 Vic. c. 13.

No. 5.

37 Vic. c. 18. *An Act to amend the Act 10 Victoria, chapter 35—For establishing and supporting a Public Library and Museum in the City of Nassau.* (Assented to 25th April, 1874.)

WHILEAS an Act of the General Assembly of the Bahama Islands was passed in the tenth year of Her present Majesty's reign, and is distinguished in the printed copies of the Acts of Assembly as 10 Victoria, chapter 35, by which it was amongst other things enacted that a Public Library and Museum should be established in the city of Nassau, to be called the Bahama Library and Museum, of which the Governor for the time being, the Chief Justice for the time being, the Public Secretary for the time being, and the Attorney-General for the time being, with three non-official persons, to be nominated annually by the Governor in Council, should be trustees with full power and authority to accept as donations and to purchase out of the funds of the institution, such books, maps, prints, philosophical and other instruments and apparatus and such natural curiosities as they should deem proper from time to time to place therein; and to make and establish suitable regulations for the management, arrangement, preservation, access to, and use of the same; and if they should think fit, for the loan of books, other than books of reference from the same; and the said regulations or any of them, from time to time, in their discretion to alter, add to, or annul, and for any so annulled, others to substitute, and out of the funds of the said institution to provide for the lighting and keeping clean the same. PREAMBLE.

And whereas a library and museum was established by the said Act, and is now kept and conducted in a public building in the city of Nassau, known as the "Old Prison."

And whereas a reading-room has also been established by the trustees, acting under the said Act, in connection with the said library, but there is no direct legislative recognition of such an establishment, and it is expedient that the said library and reading-room should be united and hereafter managed and conducted as one establishment, and that the said Act should be otherwise amended; May it, &c.

Name of institution—managers and mode of appointment.

I. The institution now known as the Bahama Library and Museum shall hereafter be designated and known as the Nassau Public Library, Reading Room, and Museum, and shall be managed by seven trustees to be appointed annually in the month of June in each and every year, four of whom shall be first nominated by the Governor, and three afterwards elected by the subscribers in such a manner as the present trustees may direct, provided that no person shall be qualified to be appointed or to act as a trustee unless he shall be a subscriber to the institution, and provided also that it shall be competent for the Governor, for the time being, to nominate himself as one of such trustees.

Provides for the appointment or election of new trustees.

II. In case of a vacancy occurring among such trustees between the periods of appointment and election, by the death, resignation, absence from the colony, or disqualification of a trustee, it shall be lawful for the Governor, should such vacancy occur among the appointed trustees, to fill up such vacancy, and if the same should occur among the elected trustees, for the subscribers to the said institution to proceed to the election of another trustee to fill up the vacancy so occurring, and the person so appointed or elected shall have the same and the like powers, rights, and authorities as trustees appointed and elected at the regular annual periods.

Powers of trustees.

III. Persons appointed and elected trustees under the authority of this Act shall be invested with, and may lawfully exercise all and every, the powers and authorities in and by the said Act, vested in and granted to the trustees by that Act, nominated or authorised to be appointed.

Continues present trustees but repeals part of 10 Vic. c. 35.

IV. The trustees who may be in office at the commencement of this Act shall continue to act as trustees until the appointment and election of trustees under this Act shall be made, and upon such appointment and election being completed, so much of the Act 10 Victoria, chapter 35, as constitutes the Governor, the Chief Justice, the Public Secretary, and the Attorney-General for the time being, trustees of the library and museum, and as authorises the nomination by the Governor of three non-official persons to act as trustees, shall be and the same is hereby repealed.

No. 6.

55 Vic. c. 14. *An Act to consolidate and amend the Laws relating to the Law Library.* (Assented to 8th April, 1892.)

Law Library to be removed from Public Library.

I. The Law Library of the Colony shall be removed from the Public Library of which it now forms a part, and placed in the upper Hall of the Centre Public Building or such other eligible place as may be selected by the Chief Justice and Attorney-General of the Colony, and be kept under the charge of the Prothonotary of the General Court of the Colony.

To whom open.

II. The Law Library shall be open to any subscriber to the Public Library, Justices of the Peace, and Members of the Legislature.

Removal of books.

III. No person other than the Chief Justice, the Judge of the Court of Common Pleas, the Stipendiary and Circuit Magistrates for the Island of New Providence, actual legal practitioners, and articled Law Students, shall be allowed to take away any of the books of the said Law Library.

Subscription.

IV. The fee for the use of the Law Library shall be

For every legal practitioner—Ten shillings per annum.

For every articled Law Student—Five shillings per annum.

Framing of rules.

V. The Chief Justice and Attorney-General shall have power from time to time to make, change, and alter any rules that they may consider

necessary, in connection with the said Law Library; and to expend any monies arising from subscriptions to the said Law Library or otherwise, in the purchase of books and reports for such Library.

VI. All monies in the hands of the Librarian of the Nassau Public Library to the credit of the Law Library shall on the passing of this Act be paid by him to the Prothonotary of the General Court to be held by him for the purposes of this Act.

VII. The words "Chief Justice," "Attorney-General," "Judge of the Court of Common Pleas," and "Stipendiary and Circuit Magistrates for the Island of New Providence," shall include the persons who may be acting in any of the said offices.

VIII. The Acts of Assembly 43 Victoria, chapter 16, and 44 Victoria, chapter 5, are hereby repealed.

Expending of monies.

Monies to the credit of the Law Library to be paid to the Prothonotary of the General Court.

Includes acting officers.

Repeals.

CLASS VI.

FRIENDLY SOCIETIES.

No. 1.

5 Wm. 4, c. 40. *An Act for the protection and encouragement of Friendly Societies, and for preventing Fraud and Abuses therein.* (Assented to 11th May, 1835.)

WHEREAS the altered relation of society in this Colony has rendered it expedient that encouragement should be given to persons desirous of forming themselves into one or more societies for their mutual relief and advantage. May it, &c., That it shall and may be lawful for any number of persons to form themselves into a society for their mutual relief; to raise funds for that purpose, to make, alter, and amend rules for the government and guidance of the same, and to inflict fines and penalties upon members of such society, who shall or may offend against such rules.

Friendly societies authorised.

II. That all such societies in their rules, before they be confirmed, as hereinafter directed and required, shall declare all and every the intents and purposes, for which such society is intended to be established, and direct all the uses and purposes to which the money subscribed shall be applied; and in what proportions, and under what circumstances any member or other person shall become entitled thereto; and that the money so subscribed shall not be diverted or misapplied by the treasurer or other person entrusted therewith, under such penalty as the society shall, by any rule, impose.

Requisites to form rules.

III. That a transcript of all such rules, signed by three members and countersigned by the secretary, shall be submitted with all convenient speed, after every meeting, altering, or amending thereof, to the Attorney-General of the colony, for the purpose of ascertaining whether the said rules are in conformity to law and the provisions of this Act; and that the said Attorney-General shall give a certificate thereof, or point out in what parts they are repugnant thereto; and that such transcript, when certified as hereinbefore required, shall be deposited with the Clerk of the Crown, to remain in his office as a record; and that such transcript shall be enrolled by the said Clerk of the Crown, and a certificate thereof to be signed by him on a duplicate copy, which shall be provided by, and returned to such society.

Rules to be submitted to the Attorney-General.

Power in respect to rules.

IV. That the said Attorney-General may withhold his sanction or allowance to any proposed rules, unless it shall appear to such Attorney-General that the tables tendered may be adopted with safety to all parties concerned.

Regulations relative to entry of rules, &c.

V. That no society shall have the benefit of this Act unless their rules and regulations are entered in a book, kept by an officer appointed for that purpose, and a transcript thereof deposited with the Clerk of the Crown; and all rules when entered and confirmed as aforesaid shall be binding on members and contributors and their representatives; and the entry of such rules in such book, or the transcript deposited with such Clerk of the Crown, or a true copy of such transcript certified as aforesaid, shall be received as evidence of such rules in all cases.

How confirmed rules can alone be altered.

VI. That no confirmed rules shall be altered or rescinded but at a general meeting of the society, convened in pursuance of a requisition for that purpose by seven or more members; and that such alteration or rescission shall be made only with the approbation of three-fourths of the members present at such general meeting.

What shall be specified in rules.

VII. That the rules to be adopted by any such society, shall specify the place of meeting, and the duty of the officers and members at large.

Appointment of officers.

VIII. That any such society, at their usual meetings, or by their committee, may appoint a president, treasurer, or trustee, or such other officers as may be necessary to carry into execution the purposes of such society, for such periods and purposes as shall be established by the rules; and that every officer in any way connected with the receipt, management, or expenditure of the society's funds, shall give security, by a bond, in a sum prescribed by such committee, for the faithful execution of such trust, to be given to the Clerk of the Crown without any fee; and in case of forfeiture, it shall and may be lawful for His Majesty's Attorney-General, to sue, upon such bond, for the use of such society.

Election of committees and powers delegated to them.

IX. That it shall and may be lawful for such societies to elect a committee of any number of members, and may delegate to such committee any powers given by this Act, being first declared in and by the rules confirmed by the Attorney-General, and filed in the manner before directed; and when a committee shall be appointed for any particular purpose, the power delegated to be entered into a book by the secretary; and the transactions of such committee shall also be entered in a book, and be at all times subject to the review and control of the society, in such manner as their rules shall direct.

Funds may be invested at interest.

X. That the treasurer or trustee shall lay out such sums of money as are not needed for immediate expenditure either in real or heritable securities, or heritable property, or invest the same in the public funds of the colony, or in Government securities; and that all interest and proceeds arising therefrom shall be brought to account by such treasurer or trustee and applied to the use of the society.

Persons entrusted with funds to render accounts when required.

XI. That all persons entrusted with the disposal, management, or custody of the funds of any such society, shall render an account and pay over all monies remaining in his or their hands, and transfer and deliver over all securities, books, and papers in their custody, on demand being made, or notice in writing given at his or their usual place of abode, to such person as the society shall appoint; and in case of neglect or refusal, application may be made to the justices of the General Court of these islands, who shall proceed thereupon, in a summary way, and make such order as may seem just, which order shall be final and conclusive; and all transfers, sales, or dispositions made in pursuance of such order shall be good and effectual.

Power of the General Court in certain cases.

XII. That when any trustee or treasurer are out of the jurisdiction of the courts, become idiot, lunatic, or imbecile, or it be uncertain whether they are alive, or they be absent, or refuse to convey, transfer, or deliver any such securities, the justices of the General Court of these

islands are hereby empowered to appoint a person to make such conveyance, transfer, or disposition.

XIII. That the executors, administrators, assigns, or the representatives of any person, in whose custody were any monies, effects, or securities of such society, shall, within forty days after demand made, deliver over all such effects, monies, or securities, and pay all sums of money due to the said society, before any other debts are paid or satisfied.

Executors, &c.,
to deliver up all
monies, &c., of
any such society,
&c.

XIV. That the effects of any such society shall be vested in the treasurer or trustees, for the time being, who may bring and defend actions in courts of law or equity, within these islands; and that no action shall be discontinued or abated by the death or removal of such treasurer or trustee, in the proper name of the person commencing the same.

Actions, how
brought and de-
fended.

XV. Repealed by 62 Vic. c. 19.

XVI. That whenever the trustees of any such society shall have paid, after the decease of a member, any sum of money, to any person who shall appear to be entitled to the same, such payment shall be valid and effectual, with respect to any demand of any other person, as next of kin, or lawful representative of such deceased member, as against the society; but such next of kin or representative shall have their remedy for such money against the person who may have received the same.

Regulations as to
payment of sums
due to deceased
members.

XVII. That in case any member of any such society shall die intestate, entitled to any sum not exceeding thirty pounds, the treasurer or trustees of such society are hereby authorised to pay the same according to the rules of the society; and if there are no rules in that behalf, to pay and divide the same to and among the person or persons entitled to the effects of the deceased intestate without letters of administration being taken out.

Regulations as to
payment of sums
due to deceased
members.

XVIII. That if any person shall, by false representation, fraudulently obtain possession of any monies belonging to any such society, or fraudulently withhold the same, such offence not being provided for by the rules of such society, such person shall, and may be summoned, upon complaint on oath by an officer of such society, before any two of His Majesty's justices of the peace; who are hereby authorised to hear and determine upon the same, and upon any due proof of such fraud, to convict the party and award double the amount of the money so obtained, or withheld to the treasurer, together with costs; and in case of non-payment of money so awarded the justices shall cause the same to be levied by distress and sale, together with the costs attending such distress; and, in default of such distress being found, it shall and may be lawful to commit such person to the Gaol or House of Correction, to be kept to hard labour for any period not exceeding six months, at the discretion of such justices: provided that nothing herein contained shall be construed to prevent any such society from proceeding against such offender, by way of indictment, instead thereof.

Proceeding in the
case of persons
fraudulently ob-
taining monies
belonging to a
society.

XIX. That any such society shall not be dissolved by any general meeting or otherwise without the consent of five-sixths in value of the members belonging thereto, to be ascertained as hereinafter mentioned; and of all persons then receiving or entitled to receive relief from such society, to be testified under their hands; and for the purpose of ascertaining the votes of such five-sixths, every member shall be entitled to one vote, and an additional vote for every five years he has been a member, but not to have more than five votes; and that in all cases of dissolution the intended appropriation of the stock of such society shall be distinctly stated in the proposed plan of dissolution prior to such consent being given, and that no such society shall direct by any rule the division or distribution of such fund, otherwise than to carry into effect the general purposes of such society; and all the rules for the dis-

Societies, how
dissolved.

Disputes, how to be settled.

solution of any such society, without such consent as aforesaid, shall be void; and that in the event of such division or misappropriation the trustee, or other officer aiding or abetting therein, shall be liable to the penalty before provided in cases of fraud.

XX. That all such societies shall make rules, specifying whether matters in dispute between the society and a member are to be referred to a justice of the peace, or to arbitrators; and if to the latter, they shall be elected at the first meeting of the society after the enrolment of its rules, none of them being interested in the funds of the society; and a certain number, not less than three, shall be chosen by ballot in each case of dispute; and any justice of the peace is hereby empowered to enforce compliance with the decision of such arbitrators by the usual method.

Power of justices of the peace.

XXI. That if the rules of any such society shall direct such disputes to be decided by justices of the peace, any justice is hereby empowered to summon the person against whom complaint is made, and hear and determine the said complaint according to such rules; and in case any sum of money be awarded the payment thereof shall and may be enforced, as before directed.

Their order to be final.

XXII. That any sentence, order, or decree of any justice or justices, under this Act, shall be final and conclusive.

Funds may be invested.

XXIII. That the whole or any part of the funds of any such society may be subscribed into any savings bank, now or to be hereafter established, or invested in the public securities of the colony.

Minors may be members.

XXIV. That it shall and may be lawful for minors to become members of such societies, and have authority to act and become legally responsible: provided that such minor be admitted into such society with the consent of his parents or guardians, or of some justice of the peace.

Annual statement of funds to be made.

XXV. That the rules of every such society shall provide for the making of an annual statement of the funds to the members, to be attested by two auditors and countersigned by the secretary; and that every member of such society shall receive a copy of such statement on the payment of a sum not exceeding sixpence.*

Construction of the words "society's rules."

XXVI. That the word "society" in this Act shall be understood to include all societies or association of persons who may conform strictly to the provisions of the same, and that the word "rules" shall be understood to include orders and regulations, and so forth.

No. 2.

10 Vic. c. 29. *An Act to amend an Act of the General Assembly of the Bahama Islands, relating to Friendly Societies.* (25th March, 1847.)

Purposes of friendly societies defined.

I. That societies may be established under the provisions of the aforesaid Act, for any of the following purposes (that is to say):

- 1st. For the relief, maintenance, or endowment of the members, their husbands, wives, children, kindred, or nominees, in infancy, old age, sickness, or widowhood.
- 2nd. Toward making good any loss sustained by the members by fire, flood, or shipwreck, or by any contingency whereby they shall have sustained any loss or damage of their live or dead stock, or goods, or stock in trade, or of the tools or implements of their trade or calling.

* Currency.

3rd. For the frugal investment of the savings of the members, for better enabling them to purchase food, clothes, or other necessities, or the tools or implements of their trade or calling, or to provide for the education of their children or kindred: Provided always, that the shares in any such investment society shall not be transferable, and that the investment of each member shall accumulate or be employed for the sole benefit of the member investing, or the husband, wife, children, or kindred of such member, and that no part thereof shall be appropriated to the relief, maintenance, or endowment of any other member or person whomsoever, and that the full amount of the balance due, according to the rules of such society, to such member shall be paid to him or her on withdrawing from the society.

4th. For any other purpose which shall be certified to be legal by Her Majesty's Attorney-General for the colony, and which shall be allowed by the Governor in Council, as a purpose to which the powers and facilities of the said Act ought to be extended.

II. That every friendly society established before the passing of this Act, under the authority of the hereinbefore recited Act, shall be subject to the provisions of this Act, and the rules of every such society shall, if the same is established in the Island of New Providence within thirty days after the passing of this Act, and if established in any other island of the Government within three months after the passing of this Act, be submitted for approval to the Governor, and it shall be lawful for the Governor to disallow any and every rule of any such society which may be repugnant to the provisions of this Act; and every rule so disallowed shall, from the period of such disallowance being notified in writing to the society, cease to have any force or validity whatever, any, its previous confirmation, to the contrary notwithstanding.

Former friendly societies subject to the provisions of this Act.

III. That from and after the passing of this Act, all new, altered, or amended rules of any society established, or hereinafter to be established in this colony, under the provisions of the hereinbefore recited Act, or of this Act, shall be submitted for approval to the Governor, and such rules shall have no force or effect whatever until the Governor's approval thereof shall be signified, in writing, to such society, any thing contained in the hereinbefore recited Act, to the contrary notwithstanding.

Rules to be submitted for approval to the Governor.

IV. That any member of a friendly society, the rules of which do not prescribe the time when, or the conditions on which, members shall be allowed to withdraw themselves, shall be allowed to withdraw himself or herself at any time from such society, on giving written notice to the secretary, or other proper officer of the society, of his or her intention to do so, and on payment of all arrears due by such member; but, after giving such notice, as aforesaid, no member shall be entitled to have any benefit from the funds of the society or be liable to any further subscription or payment other than the amount of the arrears due from him or her at the time of giving such notice.

Provision as to members desirous of withdrawing.

V. That every society established under the authority of the hereinbefore recited Act, or of this Act, shall transmit, or cause to be transmitted, quarterly, to the office of the Secretary of the colony at Nassau, a return in detail of the assets, disbursements, receipts, and liabilities of such society; all which returns shall be made up to the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in each year, and shall be transmitted by every society in the Island of New Providence direct to the Secretary of the colony within thirty days after the close of the quarter for which such return is made up, and by every society established at an out-island of the Government to the stipendiary magistrate of the district

Periodical returns of assets and disbursements to be made to the Secretary of the colony by all friendly societies.

President and
Treasurer to be
the officers to
transmit returns
of assets, &c.

within the like period, to be by such magistrate forwarded to the Secretary of the colony with all convenient despatch.

VI. That the president and treasurer, or other principal officer entrusted with the management of the funds of such society, shall be the persons who shall be respectively bound to make, or cause to be made, and to transmit to the Secretary's office, or the stipendiary magistrate, as the case may be, the said return of assets, disbursements, receipts, and liabilities; and every such person who shall refuse, or wilfully neglect to make, or cause to be made, or to send the said returns at the time and in the manner prescribed by this Act, shall be liable to a penalty not exceeding the sum of five pounds, to be recovered, with costs, before any two justices of the peace having jurisdiction where such society shall have its place of meeting; and on non-payment thereof, the same, with the reasonable costs of conviction, shall be levied by distress, and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal of such justices.

Stipendiary jus-
tices official
auditors.

VII. That the stipendiary magistrates of the colony shall be official auditors within their respective districts of the accounts of all societies established under the authority of the before-mentioned Act, or of this Act, and shall audit all such accounts at least once in every three months, and for such purpose shall have full power and authority to require the officers of such society to produce before them the books of such society and all necessary vouchers and other papers; and every officer of such society who shall refuse or wilfully neglect to produce any book, voucher, or paper required for the purposes aforesaid, by any such stipendiary magistrate, shall be liable to a penalty not exceeding the sum of five pounds, to be recovered, with costs, before any two justices of the peace having jurisdiction where such society shall have its place of meeting; and on non-payment thereof, the same, with the reasonable costs of conviction, shall be levied, by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal of such justices.*

Funds of friendly
societies to be
deposited in
Nassau Bank.

VIII. That all monies received by the treasurer or other principal officer entrusted with the funds of any such society established in the Island of New Providence, shall be paid into the *Public Bank at Nassau*, as the same are received, and the quarterly balances of every society established at any other island shall be paid into the *said Bank* as soon as practicable after the expiration of each quarter; and such monies shall only be drawn out of the said Bank by checks signed by the president and treasurer, or other officer as aforesaid, of such society, and countersigned by the Official Auditor: and any treasurer or other officer, as aforesaid, who shall refuse or wilfully neglect to pay the monies received or remaining in his possession into the *said Bank*, in conformity with the provisions of this clause, shall forfeit and pay double the amount of the sum or sums of money which such treasurer or other officer should by right have paid into the *said Bank*, to be recovered, with costs, before any two justices of the peace having jurisdiction where such society shall have its place of meeting; and on non-payment thereof, the same, with the reasonable costs of conviction, shall be levied by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal of such justices, the amount of which forfeiture shall be paid into the *Public Bank* aforesaid for the benefit of the society of which such person is an officer.†

* Further powers given by 62 Vic. c. 19, *post*, No. 5 of this Class.

† By Act 62 Vic. c. 7, the Post Office Savings Bank has been substituted for the Public Bank, which no longer exists. See *post*, this Class, No. 4.

IX. That for the purposes and within the meaning of this Act, the officer lawfully administering the government of the colony for the time being shall be deemed and taken to be the Governor thereof.

Meaning of term
"Governor."

X. That the net amount of all fines, penalties, and forfeitures incurred under this Act shall, except where otherwise specially directed by this Act, be paid into the Public Treasury of these islands in aid of the expenses of this government.

Appropriation of
fines.

XI. Repealed by 49 Vic. c. 6.

No. 3.

21 Vic. c. 16. *An Act to amend the Laws regulating Friendly Societies.* (20th April, 1858.)

WHEREAS, by the seventh section of the Act tenth Victoria, chapter twenty-nine, the stipendiary magistrates of the colony are appointed within their respective districts official auditors of the accounts of all societies established under the authority of that Act, or the Act to which it is an amendment; AND WHEREAS doubts exist as to the meaning of the words "stipendiary magistrate," as used in such enactment; May it, &c., That the words "stipendiary magistrate," as used in the said enactment, shall be construed to comprise the several police magistrates for the colony, or any person who for the time being may be lawfully exercising the office of police magistrate as aforesaid.

PREAMBLE.

The words stipendiary magistrate in Act, referred to in Preamble, to be construed to mean the police magistrate for the colony.

No. 4.

62 Vic. c. 7. *An Act to consolidate the Laws regulating the Post Office Savings Bank of the Colony.* (Assented to 20th April, 1899.)

XVI. Wherever in the eighth section of the Act of Assembly, 10 Victoria, chapter 29, the words "Public Bank at Nassau" or "said Bank" shall occur the same shall hereafter be held to apply to the Savings Bank, and it shall be lawful for the Friendly Societies established under the said Act to continue as heretofore to make deposits in the Savings Bank beyond the limit fixed by this Act.

Application of words in 10 Vic. c. 29.

XVII. Deposits made on behalf of a Friendly Society shall be made in the name of the Society.

Friendly societies, deposits of, how made.

XVIII. With the first deposit made by a Society there shall be delivered to the Post Office authorities a certificate signed by the persons holding the offices of President and Treasurer of such Society to the effect that they are the President and Treasurer thereof, which certificate shall be declared to before a Justice of the Peace; and the persons named in such certificate shall, together with the Official Auditor named in the Act of Assembly, 10 Victoria, chapter 29, be entitled to withdraw sums from the amount so deposited as the same may be required for the purposes of the said Society according to the rules framed under this Act.

First deposit of a friendly society to be accompanied with a certificate.

XIX. Upon any change taking place in the persons holding the offices named in the preceding section, such change shall be notified to the Post Office authorities by the persons succeeding to such offices delivering to the Post Office authorities a certificate signed by them to the effect that they have succeeded to such offices, which said certificate shall, as in the case of the one required by the 18th section, be declared to before a Justice of the Peace; and whenever any such certificate has

Changes in officers of friendly society to be notified to Post Office authorities.

Withdrawal by
friendly society.

been declared to the parties named therein together with the Official Auditor aforesaid shall be deemed to be the Persons entitled to withdraw from the amount on deposit for such Society for the purposes of the said Society according to the rules aforesaid.

Other societies
may make de-
posits.

XX. Monies deposited on behalf of a Friendly Society shall only be withdrawn upon a requisition signed by the President and Treasurer of such Society for the time being, and countersigned by the official Auditor aforesaid.

XXI. In addition to the right of deposit given to Friendly Societies as aforesaid it shall be lawful where any number of persons have formed themselves into an association for any of the purposes set forth in the 1st, 2nd, 3rd, and 4th Subsections of the 1st section of the Act of Assembly, 10 Victoria, chapter 29, but are not established as a Friendly Society under the Acts relating to such Societies to make deposits in the Savings Bank.

Rules for de-
posits.

XXII. Such deposits shall be made according to such rules as may be framed for the purpose.

No. 5.

62 Vic. c. 19. *An Act further to amend the Law relating to Friendly Societies.* (Assented to 20th April, 1899.)

Title.

I. This Act may be cited as "The Friendly Societies Amendment Act, 1899," and shall be read with, and form part of, the Act of Assembly, 10 Victoria, chapter 29, hereinafter called the principal Act.

Additional
powers given to
official auditors.

II. In addition to the powers conferred on the Official Auditors by the seventh section of the principal Act they shall have full power and authority to order and require any officer or officers of any Friendly Society established under the Acts relating to Friendly Societies whose accounts have been submitted for audit under the aforesaid section further to adjust such accounts according to the directions of such Official Auditor, such order to be in writing signed by such Official Auditor.

Penalty on re-
fusal or neglect
to obey order.

III. Any Officer or Officers of any Society served with such order who shall refuse or wilfully neglect to adjust and produce the accounts of such Society within fourteen days after the receipt of the said order shall be liable to a penalty not exceeding Five pounds to be recovered summarily.

Unauthorised ex-
penditure to be
refunded.

IV. If it shall appear upon an audit of the accounts of any Society that expenditure has been incurred which was not authorised by the rules of such Society it shall be lawful for the Official Auditor by notice in writing to order and require the Treasurer or other principal officer entrusted with the funds of such Society to refund and make good the same, and such Treasurer or other principal officer shall within fourteen days from the receipt of such notice pay the amount of such unauthorized expenditure into the Post Office Savings Bank of the Colony to the credit of such Society under a penalty not exceeding Five pounds to be recovered summarily.

Penalty.

Provided, however, that the Governor may remit or mitigate the penalty imposed under this section upon its appearing that there were reasonable or sufficient grounds for the failure of such Treasurer or other principal officer to comply with such order as aforesaid.

Repeal.

V. Section fifteen of the Act of Assembly, 5 William 4, chapter 40, is hereby repealed.

CLASS VII.

WILLS AND ESTATES OF DECEASED PERSONS.

No. 1.

- 40 Geo. 3, c. 2. *An Act to declare how much of the Laws of England are practicable within the Bahama Islands, and ought to be in force within the same.* (A.D. 1799.)

AMONG the Statutes declared in force in the colony by this Act the following, specially relating to the subject of this class, will be found, viz. :—

- 9 Henry 3, ch. 18. "The King's debtor dying, the King shall be first paid."
 13 Edward 1, ch. 23. "Executors may have a writ of accompt."
 4 Edward 3, ch. 7. "Executors shall have an action of trespass for a wrong done to their testator."
 25 Edward 3, statute 5, ch. 5. "Executors of executors shall have the benefit and charge of the first testator."
 27 Henry 8, ch. 10. "An Act concerning uses and wills."
 32 Henry 8, ch. 37. "For recovery of arrearages of rents by executors of tenants in fee simple."
 43 Elizabeth, ch. 8. "An Act against fraudulent administration of intestates' goods."
 22 and 23 Charles 2, ch. 10. "An Act for the better settling of intestates' estates."
 30 Charles 2, ch. 7. "An Act to enable creditors to recover their debts of the executors and administrators of executors in their own wrong."

No. 2.

- 50 Geo. 3, c. 4. *An Act for regulating the Distribution of the Goods and Effects of Children dying intestate, without Wife or Children, after the death of the Father and in the life-time of the Mother of such Children so dying intestate.* (November 3rd, 1809.)

THAT from and after the passing of this Act, if any child or children of a deceased father shall die intestate, without wife or children, in the lifetime of the mother, every brother and sister, and the representatives of them, shall have an equal share with her of the goods, effects, and personal property of the child or children, so dying intestate; any law, usage, or custom to the contrary notwithstanding.

Distribution of estates of children regulated in certain cases.

No. 3.

- 53 Geo. 3, c. 6. *An Act for regulating the Charges of Executors, Administrators, and Guardians, and for other purposes therein mentioned.* (November 27th, 1812.)

THAT from and after the passing of this Act, all executors, administrators, and guardians entrusted with the management of estates belonging to deceased persons or minors shall be allowed and entitled to charge for their care and trouble, over and above all actual and

Executors' charges regulated.

Executors may
submit accounts,
&c., to arbitra-
tion.

necessary expenditures, a commission of five pounds per centum on the amount of all sums which shall come into their hands, or be collected or received, in the execution of their trust; AND WHEREAS, from the local situation of these islands, and the difficulty of enforcing payment of debts from persons residing in detached situations, it would frequently tend to the interest of the estate of deceased persons were their representatives authorised to submit accounts and differences to arbitration, and to compound for the same; Be it, &c., That in all cases where it shall appear any executor, administrator, or guardian as aforesaid hath, *bonâ fide*, and without collusion or fraud, compounded for, or settled by arbitration, any debt, account, or matter, concerning the trust reposed in him, or concerning the execution thereof, that in every such case, such proceedings shall be valid in law, and no executor, administrator, or guardian shall be made chargeable out of his own estate for any actual or supposed loss which may be sustained thereby.

No. 4.

4 Vic. c. 23. *An Act to declare in force within these Islands a certain Statute of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, entitled, "An Act for the amendment of the Laws with respect to Wills."* (February 25th, 1841.)

Act of Parlia-
ment, 1 Vic. c. 26
declared in force
from 31st May,
1841.

THAT from and after the thirty-first day of May, in the present year of our Lord one thousand eight hundred and forty-one, the said before-mentioned Statute shall be, and the same is hereby declared to be, in force within these islands as fully and effectually, to all intents and purposes, as if the said Statute contained a provision expressly extending its enactments to this colony, or as if the said Statute had been made and enacted by the General Assembly of these Islands; Provided always, nevertheless, that the said Statute shall not extend to any will made within these islands before or on the said thirty-first day of May, in the present year of our Lord one thousand eight hundred and forty-one.

No. 5.

17 Vic. c. 21. *An Act to declare in force the Act of Parliament 15 and 16 Vic. c. 24. "An Act for the amendment of the Act 1 Vic. c. 26, for the amendment of the Laws with respect to Wills."* (28th March, 1854.)

No. 6.

23 Vic. c. 23.

This Act extends to this Colony the Imperial Statute 1 Wm. 4, c. 40, regulating the appropriation of undisposed residues of effects of testators.

No. 7.

25 Vic. c. 15. *An Act to provide for the appointment of a Registrar of Records and for other purposes.* (Assented to 29th April, 1862.)

XX Section. That all wills or other testamentary papers on which probate may be granted shall, together with the probate, be recorded in books to be provided for the purpose, and every record of a will and probate made under the authority of this section shall be received as evidence in any court of law or equity within the colony to the same extent as the will and probate of which it purports to be a record would be entitled to be received, if produced, but not further.

Wills to be recorded in books provided for the purpose.

No. 8.

35 Vic. c. 19. *An Act to amend the Law relating to Probate of Wills and Letters of Administration, and to the mode of procedure in the Court of Ordinary.* (Assented to 23rd May, 1872.)

See clauses of this Act now in force, *post*, Part II., Class 2, No. 1.

No. 9.

39 Vic. c. 8. *An Act to provide a more equitable Scale of Fees to be taken at the office of Registrar of Records.* (Assented to 9th February, 1876.)

By this Act the following fees amongst others are made payable at the Registrar's office :—

	<i>s.</i>	<i>d.</i>
For recording every appraisement of the estate of a deceased person, if under 8 folios	4	0
Do. do. do. for every folio exceeding 8 ..	0	6
For recording every Return of the Personal Estate of a deceased person, if under 8 folios	4	0
Do. do. do. for every folio exceeding 8 ..	0	6

CLASS VIII.**OATHS.****No. 1.**

11 Vic. c. 7. *An Act for the abolition of unnecessary Oaths.* (22nd March, 1848.)

I. That from and after the passing of this Act the following oaths shall be abolished, and in lieu thereof the person or persons now required by law to take any such oath or oaths shall make and subscribe a declaration or declarations to the same effect as the oath or oaths hereby abolished; that is to say, the several oaths required to be taken by an Act passed in the forty-fourth year of the reign of King George the Third, entitled, "An Act to oblige masters of vessels and other persons to give security in the Secretary's office, and for suspending two several Acts therein mentioned; also the oath required to be taken by pilots before entering on the discharge of their duties as pilots :

Certain oaths abolished,

also the oath required to be taken by persons elected to serve as vestrymen; and also the oath required to be taken by an executor of the last will and testament, or an administrator on the estate of any deceased person before entering on the discharge of his functions as such executor or administrator."

II. AND WHEREAS a practice has prevailed of administering and receiving oaths and affidavits voluntarily taken and made in matters not the subject of any judicial inquiry, nor in anywise pending or at issue before the justice of the peace or other person by whom such oaths or affidavits have been administered or received; AND WHEREAS doubts have arisen whether or not such proceeding is illegal, for the more effectual suppression of such practice and removing such doubts, Be it enacted, that from and after the commencement of this Act it shall not be lawful for any justice of the peace or other person to administer, or cause or allow to be administered or to receive, or cause or allow to be received, any oath, affidavit, or solemn affirmation touching any matter or thing whereof such justice or other person hath not jurisdiction or cognizance by some Statute in force at the time being, or which is not made or tendered to be made in some matter or question touching the preservation of the peace, under a penalty of one hundred pounds for every such offence, to be recovered at the suit of the Crown by action of debt in any court of competent jurisdiction in the colony, and paid into the Public Treasury, in aid of the expenses of the Government of these islands. PROVIDED ALWAYS, That nothing herein contained shall be construed to extend to any oath, affidavit, or solemn affirmation which may be required by the laws of any foreign country to give validity to instruments in writing, designed to be used in such foreign country.

No. 2.

15 Vic. c. 8. *An Act to amend an Act entitled "An Act for the Abolition of unnecessary Oaths."* (March 25th, 1852.)

Who may take and receive declarations.

Penalty on making false declarations.
Fees.

I. That it shall and may be lawful for any justice of the peace, notary public, or other officer, who, prior to the passing of the aforesaid Act, was authorised by law to administer an oath, to take and receive the declaration of any person voluntarily making the same before him; *and if any declaration so made shall be false or untrue in any material particular, the person wilfully making such false declaration shall be deemed guilty of a misdemeanor.**

II. That whenever any declaration shall be made and subscribed by any person or persons under or in pursuance of the provisions of this Act, or the Act to which it is an amendment, or any of them, all and every such fees or fee as would have been due and payable on the taking or making any legal oath, solemn affirmation or affidavit, shall be in like manner due and payable upon making and subscribing such declaration.

III. Repealed by 29 Vic. c. 4.

Description of oath to which this Act does not apply.

IV. Provided always, that nothing in this Act contained shall extend or apply to any oath now required to be taken by any person who may be appointed to any office, or to any oath specially required to be taken by any Act of Assembly or Act of Parliament now in force in this Colony, nor to any oath in any proceeding of a judicial nature or character, whether preliminary or final.

* So much of this section as is printed in italics is repealed by 29 Vic. c. 4.

No. 3.

37 Vic. c. 5. *An Act to amend the Law relating to Promissory Oaths.*
(Assented to 12th July, 1873.)

WHEREAS in and by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the 31st and 32nd years of Her Majesty's reign, entitled "An Act to amend the Law relating to Promissory Oaths," certain forms of oaths were established to be taken by the several official and judicial officers in the United Kingdom, in the Schedule to the said Act specified; PREAMBLE.

And whereas it is expedient that the forms of oaths to be taken in this Colony should correspond and be uniform with the oaths by the said Act required to be taken in the United Kingdom, and that the law in reference to the taking of promissory oaths should be otherwise amended; May it, &c.

I. This Act may be cited for all purposes as "The Promissory Oaths Act, 1873." How Act may be cited.

II. The oath in this Act referred to as the Oath of Allegiance shall be in the form following, that is to say: Form of oath of allegiance.

"I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God."

III. The oath in this Act referred to as the Official Oath shall be in the form following, that is to say: Form of official oath.

"I, _____, do swear that I will well and truly serve Her Majesty Queen Victoria in the office of _____
So help me God."

IV. The oath in this Act referred to as the Judicial Oath shall be in the form following, that is to say: Form of judicial oath.

"I, _____, do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of _____, and I will do right to all manner of people after the laws and usages of this realm without fear or favour, affection, or ill-will. So help me God."

V. The Oath of Allegiance and Official Oath shall be tendered to and taken by each of the officers named in the first part of the Schedule annexed hereto as soon as may be after his acceptance of office by the officer, and in the manner in that behalf mentioned in the said first part of the said Schedule. When oaths to be taken.

VI. The Oath of Allegiance and Judicial Oath shall be taken by each of the officers named in the second part of the said Schedule hereto as soon as may be after his acceptance of office, and such oaths shall be tendered and taken in manner in which the oaths required to be taken by such officer previously to the passing of this Act on entering his office would have been tendered and taken. By whom to be taken.

VII. If any officer specified in the Schedule hereto declines or neglects, when any oath required to be taken by him under this Act is duly tendered, to take such oath, he shall, if he has already entered on his office, vacate the same, and if he has not entered on the same be disqualified from entering on the same; but no person shall be compelled, in respect of the same appointment to the same office, to take such oath or make such affirmation more times than one. Officers must take the oaths vacate office.

VIII. The form of Oath of Allegiance provided by this Act shall be deemed to be substituted for the form of the Oaths of Allegiance, Adjuration, and Supremacy prescribed to be taken and subscribed by Provisions as to oaths taken under certain Acts.

Additional oath
to be taken by
Executive
Councillors.

Members of Assembly by the Act of Assembly, 47 Geo. III., c. 1, and for the form of oaths respectively prescribed by the Acts of Assembly, 11. Vic. c. 4, and 21 Vic. c. 13, or by any other Act relating to the taking of promissory oaths; and all the provisions of the said Acts respectively shall apply to the oath substituted by this Act in the same manner as if that form of oath were actually inserted in each of the said Acts in the place of the oath for which it is substituted.

IX. The Oath of Allegiance prescribed by this Act shall be taken by each member of the Executive and Legislative Councils respectively, before entering upon the discharge of the functions of his office, and in addition to the said Oath of Allegiance each member of the Executive Council shall also take and subscribe the following oath, that is to say :

“ I, _____, being chosen and admitted of Her Majesty’s Executive Council of the Bahama Islands, do swear that I will, to the best of my judgment, at all times when thereto required, freely give my counsel and advice to the Governor, Lieutenant-Governor, or officer administering the government of the said islands for the time being, for the good management of the public affairs of the said islands : that I will not directly or indirectly, reveal such matters as shall be debated in Council and committed to my secrecy, but that I will in all things be a true and faithful councillor. So help me God.”

Sovereign’s name
for the time
being to be used.

X. When in any oath under this Act the name of her present Majesty is expressed, the name of the Sovereign of this Kingdom for the time being shall be substituted from time to time.

Declarations may
in certain cases
be received in-
stead of oaths.

XI. When an oath is required to be taken under this Act every person for the time being by law permitted to make a solemn affirmation or declaration, instead of taking an oath, may instead of taking such oath, make a solemn affirmation in the form of the oath hereby appointed, substituting the words “solemnly, sincerely, and truly declare and affirm,” for the word “swear” and omitting the words “So help me God.”

Persons declin-
ing to make de-
claration to be
dealt with in the
same way as
persons declining
to take oaths.

XII. If any person required by this Act to make a declaration instead of an oath declines or neglects to make such declaration, he shall be subject to the same penalties and disabilities, if any, as he would have been subjected to for declining or neglecting to take the oath for which the declaration provided by this Act is substituted.

SCHEDULE.

FIRST PART.

The Governor or Officer administering the Government.
Colonial Secretary.
Attorney-General.
Receiver-General and Treasurer.
Surveyor-General.
Registrar of Records.
Provost-Marshal.
Clerk of the Executive Council.
Clerk of the Crown.
Registrar of the Court of Vice-Admiralty.
Marshal of the same Court.
Inspector of Police.
Coroner.
Cashier of the Public Bank.
Postmaster.
Superintendent of the Asylum.
Medical Officers.

Chief Clerk in the Receiver-General and Treasurer's Department.
Clerk in the Colonial Secretary's Department.
Officers of Militia.

SECOND PART.

The Chief Justice.
The Judge of the Court of Common Pleas.
The Police Magistrate for the Island of New Providence.
The Resident and Assistant Resident Justices for the Out-Island Districts.
Justices of the Peace.

No. 4.

52 Vic. c. 7. *An Act authorising the administration of Oaths in certain cases.* (Assented to 9th May, 1889.)

I. In any inquiry held or made before the Executive Council of these Islands the Governor by Order in Council may order and direct that the evidence and statements adduced and brought forward on such inquiry shall be given and taken on oath, and the Clerk of the said Council shall have power and authority to administer all oaths required to be administered on any such inquiry.

Governor by Order in Council may order and direct that evidence and statements adduced shall be given and taken on oath.

II. All persons wilfully deposing or affirming falsely in any inquiry before the Executive Council of those islands shall be deemed guilty of perjury and shall be liable to all the pains and penalties attached thereto.

False evidence to constitute perjury.

III. When an order has been made under the first section of this Act it shall be lawful for the said Council to cause Summonses to be issued under the hand of the Clerk of the Council requiring the attendance of any person before the said Council at a time and place to be specified in such summons to give evidence upon oath of the truth of any facts appertaining to such inquiry or any other matter touching or relating thereto.

Summons for witness to be issued under the hand of the Clerk of the Council.

IV. Every person so summoned who shall neglect or refuse to appear according to the exigency thereof, or, who having so appeared shall refuse to take the oath, or shall refuse to give evidence, or to answer according to the best of his knowledge and belief any question when thereto required shall for every such default or offence be liable to be imprisoned for any period not exceeding Twenty days.

Penalty for neglecting or refusing to appear or refusing to be sworn.

V. The Clerk of the said Council when so directed by the Council shall have power to issue a warrant for the commitment to the Nassau Prison for the period mentioned in the preceding Section, of any person neglecting or refusing to attend when summoned under this Act, or having attended refusing to answer any question when thereto required.

Clerk of Council empowered to issue warrant of commitment to Nassau Prison.

VI. Such warrant shall be executed by any lawful constable of these Islands in the same manner as warrants issued by any Magistrate or Justice of the Peace are now executed by such.

Execution of warrant.

CLASS IX.

OFFICIAL GAZETTE, INTERPRETATION ACT, PRINTING AND SALE OF THE BAHAMA LAWS.

No. 1.

58 *Vic. c. 3.* *An Act to authorize the publication of an Official Gazette, and for other purposes.* (Assented to 26th April, 1895.)

Publication of
an Official
Gazette autho-
rised.

Meaning of words
"Official News-
paper" or "Offi-
cial Gazette."

Evidence in
courts of law.

I. It shall be lawful for the Governor at the end of each week to cause to be published in a separate sheet or sheets to be styled "Official Gazette, Bahamas," the various notices which have been issued from the several departments of the Government and published during such week.

II. Whenever the words "Official Newspaper" or "Official Gazette" are used in this Act, and in any other Act of Assembly, whether past or future, the same shall be held and deemed to refer to and mean the newspaper published at Nassau in which the Government Notices are published, or the Official Gazette authorized to be published by this Act as the case may be.

III. The "Official Newspaper" and the "Official Gazette" shall be received in all legal proceedings in the colony as good and sufficient evidence of the issuing from the several departments of the Government of the Public Notices contained therein respectively and of the contents thereof.

No. 2.

60 *Vic. c. 29.* *An Act relating to the construction of Acts of Assembly and for shortening the language used therein.* (Assented to 20th May, 1897.)

PREAMBLE.

MAY it please the Queen's Most Excellent Majesty that it may be enacted, and be it enacted by His Excellency Sir William Frederick Haynes Smith, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor, and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Short title.

I. This Act may be cited as "The Interpretation Act, 1897."

Repeal.

II. The Act of Assembly 15 Victoria, chapter 1, is hereby repealed.

References to
the Sovereign.

III. References in this Act or any Act of Assembly past or future to the Sovereign reigning at the time of the passing of such Act, or to the Crown shall be construed in reference to the Sovereign for the time being.

"Officer" to in-
clude acting
officer.

IV. Where any officer in the employment of the government is referred to in any Act of Assembly past or future any person lawfully for the time being performing the duties of such officer is included.

Gender and
number.

V. In any Act of Assembly past or future words importing the masculine gender include females, and words in the singular include the plural and in the plural include the singular.

Meaning of
"writing" in
past and future
Acts.

VI. References to writing in any Act of Assembly past or future shall be construed as including references to typewriting, printing, lithography, photography, and other modes of reproducing or representing words and figures in a visible form.

VII. In this Act and in every Act of Assembly whether past or future the following expressions shall have the meaning hereby respectively assigned to them, that is to say :

Interpretation of
certain expres-
sions in past and
future Acts.

Colony means the islands and territorial waters of the Bahamas Government.

Financial year means the twelve months ending the 31st March in any year.

Governor means the officer for the time being administering the Government of the Colony.

Governor in Council means the Governor by and with the advice of the Executive Council of the Colony.

Land includes houses, buildings, messuages, tenements, and hereditaments of any tenure and also includes lands vested in the Crown or the Board of Trade or any Public Board or Body or any Corporate Body.

Magistrate means a Magistrate exercising the jurisdiction conferred by the Magistrates Act, 1896.

Month means calendar month.

Oath and Affidavit include affirmation and declaration and the word *Swear* includes affirm and declare.

Out-Island means any island in the Colony other than that of New Providence.

Peace Officer means a constable or any member of the Police or Constabulary Force and any other person lawfully authorized to discharge Police duties.

Person includes any body of persons corporate or uncorporate and also includes the Sovereign.

Premises means any lot, plot, or piece of land whether or not covered by water owned or occupied by any person and includes any house or building situate thereon.

Secretary of State means Her Majesty's Principal Secretary of State for the Colonies.

Treasurer and Treasury means the Receiver-General and Treasurer and Treasury of the Bahamas Government.

VIII. In any Act, instrument, or document an Act of Assembly may be cited by reference to the short title (if any) of the Act. Citation of Acts.

IX. Where this Act or any other Act of Assembly whether past or future repeals and re-enacts with or without modification any provision of a former Act references in any other Act to the provision so repealed shall be construed as references to the provision so re-enacted. Effect of repeal,
&c., with or with-
out modification.

X. Where this Act or any other Act of Assembly whether past or future repeals any other enactment the repeal shall not Effect of repeal
in past and
future Acts.

- (a) Revive anything not in force or existing at the time the repeal takes effect :
- (b) Affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed :
- (c) Affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed :
- (d) Affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed, or
- (e) Affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid.

And any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and such penalty, forfeiture, or punishment imposed as if the repealing Act had not been passed.

Acts of Assembly may be altered, &c., in the same session.

When interpretations and provisions shall not apply.

XI. Every Act of Assembly passed in the present or any future session of Assembly, may be altered, amended, or repealed in the same session any law or usage to the contrary notwithstanding.

XII. The several interpretations and provisions set forth in this Act shall not apply in any case where it appears from the context that the intended meaning of the enactment is contrary to the meaning prescribed in this Act.

No. 3.

62 Vic. c. 13. *An Act to amend "The Interpretation Act, 1897."*
(Assented to 20th April, 1899.)

Title.

I. This Act may be cited as "The Interpretation Act, 1897, Amendment Act, 1899."

Definition.

II. Where the words "principal Act" are used in this Act they shall be held to mean "The Interpretation Act, 1897."

Adds clause to the Interpretation Act, 1897.

III. Hereafter the following shall be added to and read as the 13th clause of the principal Act :

XIII. Every Act in force on the passing of this Act and every Act hereafter made and passed shall each be deemed and taken to be a Public Act and shall be judicially taken notice of as such unless the contrary be expressly provided and declared by such Act.

No. 4.

62 Vic. c. 27. *An Act to authorize the reprinting of the Laws of the Colony and for other purposes.* (Assented to 20th April, 1899.)

Title.

I. This Act may be cited as "The Compilation of Laws Act, 1899."

Authority to reprint laws.

II. It shall be lawful for the Governor, immediately after the conclusion of the present Session of Assembly, to cause the several laws in force in the Colony to be collected and reprinted under the superintendence of some properly qualified person, and according to such plan as shall be approved of by the Governor.

Laws when bound to be distributed.

III. Such laws when so reprinted shall be bound up in one or more volume or volumes, and shall be placed in the custody of the Colonial Secretary, who shall supply two sets for the use of the Governor, three sets thereof for the use of the Legislative Council, and six sets for the use of the House of Assembly, and who shall further furnish to every Member of the Council and Assembly one set thereof, and whose further duty it shall be from time to time to distribute the said volumes amongst the Public Establishments and Officers of the Government and otherwise as he may be directed by the Governor in Council.

Laws to be public property.

IV. The laws distributed under this Act shall be and continue public property, and shall only be retained by the parties to whom they shall have been originally distributed so long as such parties respectively hold the offices in right of which they became entitled to copies of such laws.

Laws to be returned in case of death.

V. In case of the death of any person to whom a copy of such laws shall have been delivered, the executor or administrator of the person so dying shall without delay return the copy of the laws which had been delivered to such deceased person into the office of the Colonial Secretary.

VI. It shall be lawful for the Colonial Secretary to recover possession of all copies of such laws as may get into the possession of any person or persons not entitled to retain the same by action or other proper proceeding in any Court or before any Magistrate having jurisdiction to an amount equal to the value of the book or books to be recovered, such action to be brought in the name of the Queen.

Laws illegally
retained how
recovered.

VII. It shall be lawful for the Colonial Secretary to sell and dispose of such copies of the laws to be printed under the authority of this Act, or which are included in its provisions as hereinafter enacted at such price or prices as may be fixed as the price or prices therefor by the Governor in Council.

Colonial Secre-
tary to sell
copies of laws.

VIII. All laws which may be enacted after the passing of this Act shall for the purposes of custody, distribution and sale be treated and dealt with as laws collected and reprinted under the authority of this Act.

Future laws to
be dealt with
under this Act.

IX. The Act of Assembly 53 Vic. c. 24, is hereby repealed.

Act repealed.

PART II.

- CLASS I.—Supreme Court. Constitution and Jurisdiction.
 CLASS II.—Supreme Court. Probate, Divorce, and Matrimonial Side.
 CLASS III.—Supreme Court. Criminal Jurisdiction and Procedure.
 CLASS IV.—Supreme Court. Common Law and Equity Sides.
 CLASS V.—Supreme Court. Imprisonment for Debt and Bankruptcy Side.
 CLASS VI.—Supreme Court. Escheat Side.
 CLASS VII.—Supreme Court. Summary Side.
 CLASS VIII.—Crown Revenues, Rights and Liabilities.
 CLASS IX.—Appeals.
 CLASS X.—Judgment and Execution against Land.
 CLASS XI.—Notaries, Counsel, and Attornies.
 CLASS XII.—Juries.
 CLASS XIII.—Property of Married Women.
 CLASS XIV.—Evidence.
 CLASS XV.—Miscellaneous Statutes relating to subjects connected with the administration of justice not included in previous classes.

CLASS I.

SUPREME COURT : CONSTITUTION AND JURISDICTION.

PRIOR to the year 1896 there were several courts in the Colony ; the General Court exercising unlimited jurisdiction in civil and criminal matters, and jurisdiction in matters of escheat, and otherwise ; the Court for Divorce and Matrimonial Causes ; and the Court of Bankruptcy ; each distinct in itself and presided over, except the last-named, by the same judge. There were also a Court of Ordinary having jurisdiction in testamentary cases and cases of intestacy, which was presided over by the Governor of the Colony for the time being ; and a court styled the Court of Common Pleas, having a limited civil jurisdiction.

In 1896 an Act was passed (59 Vic. c. 26), which came into operation on the 9th day of August, 1897, and which united and consolidated the several courts hereinbefore named with the Colonial Court of Admiralty, and constituted them a Supreme Court of Judicature for the Colony with the title of "The Supreme Court of the Bahama Islands" ; and by the said Act the jurisdiction of these courts, and that of the Court of Oyer and Terminer and Gaol Delivery, and the powers, authorities, and jurisdiction of the Judges thereof were transferred to and vested in the said Supreme Court, which was declared to be a Superior Court of Record.

The Supreme Court was also vested with jurisdiction so far as the same is applicable to the Colony in respect of all matters not within the jurisdiction of the afore-mentioned Courts, such as is exercised by the High Court of Justice in England, and there were also transferred to and vested in it the powers, authorities, and jurisdiction, so far as the same are applicable to the Colony, exercised by the Lord High Chancellor of England and the Lord Chief Justice in England, in respect of matters not within the powers, authorities, and jurisdiction of the Judges of the several Courts consolidated by the Act.

SUPREME COURT ACT, 1896.

ARRANGEMENT OF SECTIONS.

1. Short title.
2. Commencement.
3. Repeal.
4. Interpretation clause.
5. Union of existing Courts into one Supreme Court.
6. Constitution of the Supreme Court.
7. Appointment of Chief Justice.
8. Qualifications of Chief Justice.
9. Acting Chief Justice.
10. Oaths to be taken by Chief Justice.
11. Court seal.
12. Registrar.
13. Functions of Registrar.
14. Crier and messenger.
15. Bailiff.
16. Marshal.
17. Deputy Marshals.
18. Acting Officers.
19. Office hours.
20. Registrar to administer oaths.
21. Officers not to act for private persons.
Proviso.
- Counsel and Attornies.*
22. Existing practitioners.
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No. 1.

59 Vic. c. 26. *An Act for the constitution of a Supreme Court and for other purposes relating to the better administration of Justice in the Bahamas.* (Assented to 30th April, 1896.)

I. This Act may be cited as "The Supreme Court Act, 1896."

Short title.

II. This Act shall not come into operation till Her Majesty's pleasure thereon has been publicly signified in the Colony and shall commence on a day named by the Governor by proclamation.*

Commencement.

III. The Acts and parts of Acts set forth in the first schedule hereto and subject to the provisions of this Act, the Acts and parts of Acts contained in the second schedule hereto are repealed by this Act to the extent set forth in the last columns of such schedules respectively.

Repeal.

Provided, that such repeal shall not affect any right or privilege acquired, or any liability incurred, or any prosecution pending, or the enforcing of any fine, forfeiture, or imprisonment suffered by any person thereunder prior to the commencement of this Act.

Proviso.

IV. In this Act the following expressions shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them, that is to say:

Interpretation clause.

Action includes suit and does not include a criminal prosecution by the Crown.

Attorney includes solicitor, writer to the signet, and proctor.

Attorney-General includes any person lawfully acting in that office.

Cause includes any action, suit, or other original proceeding between parties and any criminal proceeding by the Crown.

Colony means the islands and territorial waters of the Bahamas Government.

Court means the Supreme Court as constituted by this Act.

Court of Probate in the United Kingdom or any part of Her Majesty's Dominions, or in any Protectorate, place, or places where jurisdiction is exercised on behalf of Her Majesty under the Foreign Jurisdiction Act of the Imperial Parliament and in the United States of America, means any Court or authority by whatsoever name designated having jurisdiction in matters of probate in the United Kingdom or any part of Her Majesty's dominions, or in any Protectorate, place, or places where jurisdiction is exercised on behalf of Her Majesty as aforesaid or in the United States of America.

Existing means existing at the time appointed for the commencement of this Act.

Her Majesty includes Her Majesty the Queen, her heirs and successors.

Judge means the Chief Justice or any person lawfully acting as Chief Justice.

Judgment includes decree.

Land includes all houses and buildings permanently affixed to the soil and all other corporeal and incorporeal hereditaments.

Oath includes solemn affirmation and statutory declaration.

Order includes Rule.

Plaintiff includes Petitioner.

Probate and Letters of Administration include confirmation in Scotland.

Rules of Court include Forms.

* Came into operation 9th August, 1897.

Small cause means any action or proceeding where the amount sought to be recovered, or the value of the property in dispute, or the rent in arrear is of the amount of Ten pounds or under other than an action or proceeding in which the title to land is involved.

Subpoena includes summons and notice.

Summary manner means without the intervention of a jury.

And where any officer of the Court is referred to in this Act any acting officer is included.

Union of existing
Courts into one
Supreme Court.

V. From and after the commencement of this Act the several Courts hereinafter mentioned, that is to say: The General Court, the Court for Divorce and Matrimonial Causes, the Court having jurisdiction in Bankruptcy (hereinafter called the Court of Bankruptcy), the Court of Ordinary, the Colonial Court of Admiralty, and the Court of Common Pleas shall be united and consolidated together and shall constitute under and subject to the provisions of this Act a Supreme Court of Judicature for the Colony called "The Supreme Court of the Bahama Islands."

Constitution of
the Supreme
Court.

VI. The Supreme Court shall consist of a Chief Justice, and the Chief Justice of the General Court at the commencement of this Act shall be the Chief Justice of the Supreme Court.

Appointment of
Chief Justice.

VII. Whenever the office of the Chief Justice shall at any time and from time to time become vacant, a new Chief Justice shall be appointed thereto by the Governor in accordance with such instructions as he may receive through one of Her Majesty's Principal Secretaries of State, and shall hold office during pleasure.

Qualifications of
Chief Justice.

VIII. Any counsel called to the Bahamas Bar who has previously practised thereat as counsel for a period of not less than ten years, or any member of the English, Scotch, or Irish Bars of not less than ten years standing, shall be qualified to be appointed Chief Justice.

Acting Chief
Justice.

IX. Whenever the office of Chief Justice becomes vacant the Governor shall appoint a fit and proper person to fill such office until Her Majesty's pleasure be known. And in case of the temporary illness or absence of the Chief Justice or of the Chief Justice being in any way personally interested in any matter before the Court, it shall be lawful for the Governor in his discretion to appoint a fit and proper person to act as Chief Justice until the Chief Justice resumes the duties of his office, or until a new Chief Justice is duly appointed. And every person so acting as Chief Justice shall have and exercise all the privileges and powers of the Chief Justice.

Oaths to be
taken by Chief
Justice.

X. The Chief Justice of the Supreme Court shall, upon entering office, take the oaths of allegiance and the judicial oath in the presence of the Governor.

Court seal.

XI. The Court shall have and use a seal with the inscription "Supreme Court, Bahama Islands," surrounding a royal crown. But until such seal is procured it shall be lawful to use the seal heretofore in use in the General Court for all purposes where a seal is required in the Supreme Court. The seal shall be kept at the office of the Registrar and shall remain in his custody, and all writs and other processes of the Court shall be sealed therewith.

Registrar.

XII. There shall be a Registrar of the Supreme Court, who shall be appointed by the Governor from among the members of the local Bar of five years' standing, if available, and shall hold office during the Governor's pleasure.

Functions of
Registrar.

XIII. The Registrar of the Supreme Court shall be Clerk of the Crown, and shall also be the taxing master for all matters in the Supreme Court subject to review by the Chief Justice; and shall also have and exercise all such of the powers of a master of the High Court of Justice in England as may be prescribed by Rules of Court made under this

Act, and shall perform all duties imposed upon him by this Act and such other duties as the Chief Justice may from time to time prescribe.

XIV. It shall be lawful for the Governor to appoint a Crier and Messenger to the Court. And the officer in this section mentioned shall perform all such duties as the Chief Justice prescribes.

XV. It shall be lawful for the Governor in case it hereafter becomes necessary to appoint a bailiff or bailiffs to the Court, who shall have all the powers and privileges of a constable, and shall perform all such duties as the Chief Justices prescribes. And all such officers as are in this and the last preceding section mentioned shall hold office during the Governor's pleasure.

XVI. It shall be lawful for the Governor to appoint a Marshal to the Court on its Admiralty side, who shall hold office during the Governor's pleasure.

XVII. The Chief Justice may from time to time, if he thinks fit, appoint any competent persons to act respectively as Deputy Marshals of the Court, and may, if he thinks fit, at any time revoke such appointments, but the appointments shall not be determined by the occurrence of a vacancy in the office of Chief Justice.

XVIII. In case of the illness or absence of the Registrar or of any of the officers aforesaid (other than a Deputy Marshal) the Governor may appoint a fit and proper person to act as Registrar or other officer aforesaid.

XIX. The office of the Registrar shall be kept open for the transaction of business on every day of the year except Sundays, Good Friday, and Christmas Day, and all days declared by law and appointed by Government Notice to be observed as public holidays from half-past nine o'clock a.m. until three in the afternoon, except on Saturdays when the hour of closing shall be at noon, unless the Court shall direct that the office hours shall be otherwise than as aforesaid.

XX. The Registrar shall have power to administer oaths and take solemn declarations or affirmations in lieu of oaths in all matters transacted either in Court, in chambers, or in the Registrar's office.

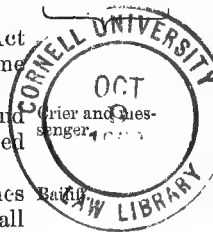
XXI. It shall not be lawful for the Registrar or any other officer aforesaid to act as attorney, agent, or adviser of any suitor or person connected with any cause or other matter in any Court in the Colony, or to give advice in any law matter, or to act as a conveyancer or notary public, or to accept any gratuity for the performance of any duty in connection with his office. *Provided always*, that nothing in this section shall prevent a Registrar from receiving such a fee as the Court may order to be paid to him where he has been engaged in taking an account in any proceeding or matter of which the Court has cognizance.

COUNSEL AND ATTORNIES.

XXII. All persons entitled at the commencement of this Act to practise before the General Court as counsel and attorneys may continue to practise as such, and they shall be deemed for all purposes to be counsel and attorneys respectively of the Supreme Court.

XXIII. The Court shall have power at any time to approve, admit, or enrol such persons as have been called to the English, Scotch, or Irish Bars, and such persons as have been admitted as attorneys in the Superior Courts of Great Britain or Ireland to practise as counsel and attorneys in the Supreme Court.

Provided always, that the Court may upon cause shown refuse to admit any person as a counsel or attorney notwithstanding he may have the qualification aforesaid.



Marshal.

Deputy Marshals.

Acting officers.

Office hours.

Registrar to administer oaths.

Officers not to act for private persons.

Proviso.

Counsel and attorneys.

Existing practitioners.

Admission of counsel and attorneys.

Proviso.

Proviso as to temporary admission.

Provided also, that the Chief Justice may, if he thinks fit, admit temporarily to practise until the next sitting of the Court any member of the English, Scotch, or Irish Bars, but such temporary admission shall not be made permanent until the requirements of the next following section have been complied with and the applicant is duly approved and admitted by the Court

Deposit of certificate.

XXIV. Every person who desires to practise and be admitted under the last preceding section shall deposit with the Registrar his certificate of call to the Bar or of his admission as an attorney, and shall file in the Court an affidavit of his identity in such form as shall be approved by the Chief Justice.

Proviso as to dispensing with same.

Provided always, that the Court, and in the case of a temporary admission the Chief Justice, may on cause shown exempt any person from complying with such formalities either absolutely or for any specified period.

Proviso as to return of, to owner.

Provided also, that after due admission the Court may order such certificate as aforesaid to be returned to the person depositing the same.

Examination and admission of students.

XXV. The Court shall have power to admit and enrol to practise as a counsel and attorney in the Supreme Court any fit person who has served under articles of clerkship for and during the term of five years continuously in the chambers of a counsel or attorney admitted and enrolled and practising in the Court and residing in the Colony, and who has passed an examination touching the principles and practice of the law before such person or persons as the Court may from time to time prescribe and appoint; or who has passed an examination held in the Universities of Oxford, Cambridge, Durham, or London in England or in Dublin, or the Queen's Universities in Ireland or in any of the Universities in Scotland, and has served under articles of clerkship for the term of four years as aforesaid.

Oath to be taken.

XXVI. Every person before being admitted and enrolled as a counsel and attorney of the Supreme Court shall subscribe the oath or declaration and affirmation of allegiance and also the oath or declaration and affirmation following, that is to say:

I, A. B., do swear (or solemnly, sincerely, and truly declare and affirm) that I will truly and honestly demean myself as counsel and attorney of the Supreme Court in that and every other Court to which I shall practise in this Colony. So help me God!

Enrolment.

XXVII. Every person admitted to practise as a counsel and attorney of the Supreme Court shall cause his name to be enrolled in a book to be kept for the purpose in the office of the Registrar and to be called the Roll of the Court; and he shall be entitled to a certificate of enrolment under the seal of the Court. And no person whose name is not enrolled as aforesaid unless temporarily admitted as hereinbefore provided shall be entitled to practise as a counsel and attorney in any Court in the Colony.

Proviso as to existing practitioners and roll.

Provided always, that all persons enrolled at the commencement of this Act in the General Court shall be deemed to be enrolled in the Supreme Court. And the existing roll of the General Court shall be deemed to be the Roll of the Supreme Court.

Right to practice in all courts.

XXVIII. All persons enrolled as counsel and attorneys of the Supreme Court shall be entitled to practise as such in all Courts in the Colony. And every counsel shall be entitled to practise as an attorney and to sue for and recover his fees and costs in respect of services rendered as a counsel or attorney; and shall be subject to all the liabilities which by law attach to an attorney.

To sue for costs.

Liability.

To be officers of the court.

XXIX. Every person practising as an attorney and whose name is enrolled as aforesaid shall be deemed to be an officer of the Court. And the laws of England for the time being relating to attorneys and to the

taxation and recovery of costs shall be extended to the Colony and shall apply to every such person.

XXX. The Court shall have power for reasonable cause shown to suspend any counsel or attorney from practising within the Colony during any specified period, or to order his name to be struck off the Roll of the Court.

Suspension and
striking off roll.

XXXI. No legal practitioner shall be entitled to sue for or recover any fee, reward, or disbursement on account of, or in relation to, any act or proceeding done or taken by him in his professional capacity unless he has been duly admitted and enrolled as a counsel and attorney of the Supreme Court.

Unenrolled prac-
titioners disabled
from recovering
costs.

JURISDICTION.

Jurisdiction.

XXXII. The Supreme Court shall be a Superior Court of Record and subject as in this Act mentioned there shall be transferred to and vested in the Supreme Court the jurisdiction which at the commencement of this Act was vested in and capable of being exercised by the Courts following, that is to say :

Jurisdiction and
powers vested in
the Supreme
Court.

The General Court.

The Court of Oyer and Terminer and Gaol Delivery.

The Court for Divorce and Matrimonial Causes.

The Court of Bankruptcy.

The Court of Ordinary.

The Court of Common Pleas.

And, so far as such jurisdiction is applicable to the Colony, by

The High Court of Justice in England in respect of all matters not within the jurisdiction of the aforementioned Courts.

There shall also be transferred to and vested in the Supreme Court the powers, authorities, and jurisdiction which at the commencement of this Act were vested in, or capable of being exercised by, the following persons, that is to say :

The Chief Justice of the General Court.

The Chief Justice and Assistant Judges or Justices of the General Court.

The *ex officio* Judge of the Court of Bankruptcy.

The Judge of the Court of Common Pleas.

And, so far as the same are applicable to this Colony, by

The Lord High Chancellor of England and

The Lord Chief Justice in England in respect of all matters not within the powers, authorities, and jurisdiction of the aforementioned persons.

XXXIII. The Supreme Court is a Colonial Court of Admiralty within the meaning of "The Colonial Courts of Admiralty Act, 1890," of the Imperial Parliament. And all proceedings in Admiralty shall be had and taken on the Admiralty side of the Supreme Court.

Colonial Court of
Admiralty.

XXXIV. The Supreme Court shall have power to appoint committees of the persons and estates of lunatics and persons of unsound mind and for that purpose to enquire into, hear, and determine by inspection of the person the subject of such inquiry, or by examination on oath or otherwise of the party in whose custody or charge such person may be, or of any other person or persons, or by such other ways and means by which the truth may be best discovered.

Lunacy.

XXXV. The Chief Justice shall be the Judge Ordinary of the Probate side and on the Divorce and Matrimonial side of the Supreme Court; and, subject to any Rules of Court to be made under this Act and to the laws in force in this Colony, the jurisdiction of the Court of Probate, Divorce, and Matrimonial Causes and proceedings may be exercised in conformity with the law and practice [so far as they are

Judge Ordinary.

Sealing wills proved in United Kingdom, British Colonies, &c., or United States of America.

applicable] for the time being in force in England which shall be deemed to be hereby extended to this Colony.

XXXVI. When a Court of Probate in the United Kingdom or in any part of Her Majesty's Dominions, or in any Protectorate, place, or places where jurisdiction is exercised on behalf of Her Majesty under the Foreign Jurisdiction Act of the Imperial Parliament or in the United States of America has granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, on being produced to, and a copy thereof deposited with, the Court on its Probate side, be sealed with the seal of the Court, and thereupon shall be of the like force and effect and have the same operation in the Colony as if granted by the Court.

Proviso as to fees and security.

Provided, that the Court before sealing a probate or letters of administration under this section may (I.) require such evidence (if any) as it thinks fit as to the domicile of the deceased person, and (II.) shall be satisfied that all fees have been duly paid and all securities have been duly given in respect of such part of the estate as is found in the Colony which the laws of the Colony require to be paid and given on a probate or letters of administration being granted.

Proviso protecting creditors in the colony.

Provided also, that the Court may, if it thinks fit, on the application of any creditor, require before sealing that adequate security be given for the payment of debts due from the estate to creditors in the Colony.

Criminal law points may be reserved.

XXXVII. It shall be lawful for the Judge presiding at the trial of any information to reserve for further consideration any question of law which may arise on such trial, and, in case the person tried is convicted, to postpone judgment until such question shall have been considered and decided in the meantime to commit the person convicted to prison or to take a recognizance of bail with one or two sureties and in such sum as he shall think fit conditioned to appear at such time or place to receive judgment. And upon such further consideration of the question so reserved as aforesaid he may affirm or quash the conviction or may order that a new trial be held.

Limits of appeal in criminal cases.

XXXVIII. No appeal shall lie in respect of any criminal matter tried in the Supreme Court save only so far as is provided by the last preceding section.

Appeals from magistrates.

XXXIX. All appeals from decisions given in the Magistrates' Court in New Providence shall be heard and determined by the Supreme Court.

Summary jurisdiction of the court between £50 and £10.

XL. Where the amount sought to be recovered or the value of the property in dispute, or the rent in arrear in any cause not a criminal proceeding by the Crown, does not exceed Fifty Pounds, and is not a small cause within the meaning of this Act, the same shall be tried, heard, and determined by the Court in a summary manner. And the jurisdiction conferred by this section shall be deemed to be exercised by the Supreme Court on its Summary side. And the Chief Justice shall sit for the trial of such causes on such days and at such times as the Chief Justice may direct. *Provided* that it shall be lawful for the Chief Justice if he thinks it expedient to direct that any action commenced on the Summary side of the Court be tried by a jury at the sessions.

Proviso as to procedure thereunder.

Provided, that (until provision is otherwise made under this Act in that behalf) the practice and procedure heretofore applicable to the Court of Common Pleas shall, unless the Court shall otherwise direct, be applicable to the Court on its Summary side.

Application of Summary Ejectment Act.

And that in the Act of Assembly, 48 and 49 Victoria, chapter 28, the words "Justice of the Peace acting for the island or district within which the said premises shall be situate" shall, where the premises are situate in New Providence, mean the Court on its Summary side.

APPEALS TO THE PRIVY COUNCIL.

Appeals to Privy
Council.
In what cases.

XLI. Where in a civil action a final judgment or order is given or made by the Court determining any claim or question wherein the amount sought to be recovered, or the value of the property in dispute is of the amount of Five hundred pounds or upwards; and where the amount sought to be recovered, or the value of the property in dispute is less than Five hundred pounds, then by leave of the Court the party aggrieved thereby may appeal to Her Majesty in Council.

Provided, that within one month from the date of such judgment or order the appellant gives security to the satisfaction of the Court or the Judge in an amount not exceeding Five hundred pounds for the due prosecution of the appeal and the payment of all such costs as may be awarded to the respondent by Her Majesty in Council.

Proviso as to
security for costs.

XLII. Upon the appellant giving security to its satisfaction for the performance of such order as Her Majesty in Council may think fit to make, the Court shall suspend execution pending the appeal of the judgment or order appealed from.

Suspension of
execution pend-
ing appeal.

LAW AND PROCEDURE.

Law and pro-
cedure.

XLIII. In every civil cause or matter law and equity shall be administered concurrently. And the Court in the exercise of the jurisdiction vested in it shall have power to grant and shall grant either absolutely or on such reasonable conditions as shall seem just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim or defence properly brought forward by them respectively in such cause or matter, so that as far as possible all matters in controversy between the said parties respectively may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters be avoided; and in all matters in which there is any conflict or variance between the rules of Law and the rules of Equity with reference to the same matter, the rules of equity shall prevail.

Law and equity
to be adminis-
tered concur-
rently.

XLIV. The Court shall have power, upon the publishing of Rules of Court constituting the procedure in that behalf, to grant to any Defendant, in respect of any legal or equitable estate, right, or title claimed or asserted by him, all such relief against any Plaintiff as such Defendant shall have properly claimed by his pleading, and as the Court might have granted in any action instituted by the same Defendant against the same Plaintiff. And also all such relief relating to or connected with the original subject of the cause or matter, and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who shall have been duly served with notice in writing of such claim pursuant to any rule of Court or order of the Court as might properly have been granted against such person if he had been made a Defendant to an action duly instituted by the same Defendant for the like purpose. And every person served with any such notice shall thenceforth be deemed a party to such cause or matter with the same rights in respect of his defence against such claim as if he had been duly sued in the ordinary way by such Defendant.

Counter claims
and third parties.

XLV. The "Jury Act, 1863," and the Acts amending the same shall apply to the Court constituted by this Act, and the expression "General Court" when used therein shall be read "Supreme Court"; and the expressions "Justice of the General Court," "presiding Justices or Justices of the General Court," and "Chief Justice and Assistant Justices," shall be read Chief Justice of the Supreme Court.

Application of
Jury Act.

XLVI. The jurisdiction by this Act transferred to the Supreme Court shall be exercised (as far as regards procedure and practice) in the

Rules as to exer-
cise of jurisdic-
tion.

manner provided by this Act, or by such Rules and Orders of Court as may be made pursuant to this Act; and where no special provision is made by this Act, or any such Rules or Orders of Court with reference thereto, it shall be exercised as nearly as may be in the same manner as the same might have been exercised by the respective Courts from which such jurisdiction shall have been transferred, or by any of such Courts.

Old procedure Acts to apply till repealed.

XLVII. The procedure prescribed in the Acts and parts of Acts contained in the second schedule hereto shall be the procedure to be used in the Supreme Court, until by Rules or Orders of Court made under this Act provision is made for the pleading, practice, and procedure in the Supreme Court, and upon the making and publishing of such Rules and Orders as aforesaid the said Acts and parts of Acts in the said schedule shall be repealed.

How repeal to be notified.

Provided, that such repeal is duly notified in the manner and form in which the action of the Government of the Colony is usually notified.

Repeal may be gradual.

Provided also, that where provision is made as aforesaid in respect of the procedure prescribed by any one of such Acts or parts or Acts as aforesaid, such Act or part of an Act, upon due notification as aforesaid, shall be repealed notwithstanding that any other Act or part of an Act contained in such schedule as aforesaid is not repealed as aforesaid.

Powers given thereunder not to lapse.

And *provided further*, that all the powers and authorities contained in the said Acts and parts of Acts shall be vested in and continue to be exercised by the Supreme Court under such Rules and Orders of Court as aforesaid notwithstanding the repeal of such Acts or parts of Acts as aforesaid.

Existing rules of Court to be applicable till revoked.

XLVIII. The Rules of Court made under the provisions of any Act or part of an Act contained in the schedules to this Act, and in force at the commencement of this Act, shall continue in force and shall be in force in the Supreme Court as though they had been made under this Act, until revoked by order of the Chief Justice.

Construction of existing procedure Acts.

XLIX. It shall be lawful for the Court to construe any of the Acts or parts of Acts contained in the second schedule hereto, and the Rules of Court in the last preceding section mentioned, with such verbal alterations as may be necessary to render them applicable for the Supreme Court.

Construction of Acts of colony with reference to this Act.

L. Where the Court and Judges, whose jurisdiction and powers are by this Act transferred to and vested in the Supreme Court, are referred to in any Act of the Colony, such reference shall be deemed to be to the Court constituted by this Act. And where any officer of any such Courts as aforesaid is referred to in any Act of the Colony, such reference shall be deemed to be to the officer of the Court constituted by this Act holding similar office and exercising like functions to the office and functions held and exercised by the officer referred to in such Act of the Colony as aforesaid.

Construction of Imperial Acts.

LI. Whenever by this Act, or any other Act of the Colony, it is declared that any Act of the Imperial Parliament shall extend to the Colony, such Act shall be deemed to extend thereto so far as the jurisdiction of the Court and the local circumstances permit; and for the purpose of facilitating the application of any such Act, it shall be lawful for the Court to construe the same with such verbal alterations as may be necessary to render the same applicable to the matter before the Court.

Power to make rules of Court.

LII. It shall be lawful for the Chief Justice for the time being from time to time to frame General Rules and Orders for regulating in the amplest possible manner the conduct of all civil and criminal business and the pleading, practice, and procedure in all matters both original and appellate in the Supreme Court coming within its cognizance in its

various jurisdictions and on its several sides. The forms to be used, the fees of Court, and *the taxing of* the fees and costs of counsel and attornies, and the hour of opening and closing of the Court and of the offices of the Court, the duties of the officers of the Court, and the books and accounts to be kept by them, the powers of commissioners to take oaths, the taking and giving and admission of evidence, the issuing of commissions to take evidence, the referring of matters in dispute to arbitration and reference, and all or any such rules and orders to alter, amend, or revoke as occasion may require.*

All such rules and orders shall, on being approved by the Governor and Executive Council, be published and come into operation on such day as is prescribed in such rules and orders, and if no day is prescribed, then on publication, and shall be published in such manner as the Governor may direct.

SITTINGS.

Sittings.

LIII. The Court shall hold sessions on the third Wednesday in the months of January, April, July, and October in every year for the trial of informations and of such civil causes and matters as are to be tried by a jury.

Ordinary sessions.

LIV. All persons committed for trial shall be committed for trial at the next following session, or, if the Court is then in session, at that session. And all persons standing committed for trial before the General Court at the commencement of this Act shall be deemed to have been committed for trial before the session to be held next after the commencement of this Act.

Pending commitments.

LV. At each session of the Court such Court shall be closed as soon as the cases committed for trial at such session and the civil causes and matters which are to be tried by a Jury and set down for hearing thereat have been disposed of; and the jurors summoned to attend such sessions shall be discharged.

Close of sessions.

LYI. It shall be lawful for the Chief Justice, on the application of the Attorney-General, to hold special sessions at any time for the trial of any person or persons standing committed for trial, and such person or persons shall be deemed to have been committed for trial at such special sessions as aforesaid.

Special sessions.

LVII. The jurors drawn to serve at the ordinary sessions next preceding such special sessions, on being served with such notice as the Chief Justice may direct, shall attend and serve at such special sessions as aforesaid, as though such ordinary sessions as aforesaid had not been closed, but had been continued till the first day of such special sessions as aforesaid, and such special sessions as aforesaid shall be deemed to be, for all intents and purposes, an adjourned sitting of such ordinary sessions as aforesaid.

To be adjourned sessions.

LVIII. Subject as aforesaid to any Rules of Court which may be made under this Act, the Court shall be open throughout the year, except on Sundays and public holidays, for the transaction of all general legal business pending therein, other than the trial of informations and civil causes and matters which are to be tried with a jury. And the Court may at any time, on the application of either party, hear and determine any matter pending in Court other than the matters so excepted as aforesaid, upon such notice or otherwise as seems just and reasonable.

Court to be open throughout the year.

LIX. The Court shall sit for the hearing of appeals once at least in every three months throughout the year, and, if no other time be

Appeal sittings.

* By 60 & 61 Vic. c. 36, *post*, No. 2 of this Class, the words in italics are repealed, and the words "and the taxing thereof" inserted after the word "attornies" in the eighth line of this section.

appointed for such sitting, it shall take place immediately after the closing of the sessions. *Provided always*, that it shall be lawful for the Court to sit for such purpose at any other time or times if the Chief Justice deems it expedient.

Sittings in chambers.

LX. Except in cases where it is otherwise expressly provided the Judge may sit in chambers at any time to hear and determine all matters brought before him on summons or motion; and it shall be lawful for him to direct that any motion be heard in open Court, or adjourned into Court, if, in his discretion, he considers it expedient that any matter be heard in Court.

Powers as to adjournment.

LXI. It shall be lawful for the Judge, whether sitting in Court or in Chambers, from time to time to adjourn the hearing of any case to such time as seems expedient. And also to enlarge the time for doing any act or taking any step, and in any such case to take or to enlarge the recognizances of any person as the justice of the case may require.

Court House.

LXII. The Court shall sit in the place where it has been heretofore customary for the sittings of the General Court to be held, or, in case of necessity, in such other place as the Governor may order.

Powers as to witnesses' costs.

LXIII. Subject to any Rules of Court made under this Act in that behalf, it shall be lawful for the presiding Judge in all cases by order to allow to all persons examined or subpoenaed, or in attendance as witnesses, such some of money (hereinafter called witnesses' costs) as seems just, as well for defraying the reasonable expenses of such witnesses as for affording them reasonable compensation for their trouble and loss of time. And it shall also be lawful for such Judge to order any witness present in Court to give evidence, notwithstanding that no viaticum or other payment to which he may be entitled shall have been paid or tendered to him.

Witnesses' costs in Magistrates' Courts.

LXIV. It shall be lawful for the presiding Judge, on the trial of any information, by order to allow the witnesses' costs in the Magistrates' Court of any person who has been bound over in recognizance to appear and prosecute or give evidence before the Court.

Cost of witnesses from out-islands.

LXV. Every witness appearing at the sessions on recognizance, or in obedience to any writ or subpoena issued by the Attorney-General, shall, if resident in any out-island of the Colony, be entitled to a reasonable sum of money to pay his passage to and from Nassau, together with reasonable compensation for his trouble and loss of time while necessarily absent from his place of residence.

Certificate.

LXVI. No allowances for witnesses' costs shall be paid in criminal proceedings except on the certificate of the presiding Judge and of the Attorney-General approving such allowance.

How paid.

LXVII. All witnesses' costs, when allowed, shall be paid in civil proceedings by the party on whose behalf the witness is called, and shall be recovered as ordinary costs of suit if the Court so directs, and in criminal proceedings shall be paid out of the Public Treasury by warrant of the Governor as heretofore.

Transfer of books and papers to the Supreme Court.

LXVIII. All books, papers, documents, and chattels in the possession of any Court, the jurisdiction of which is by this Act transferred to the Supreme Court, or of any officer or person attached to any such Court as such officer, or by reason of his being so attached, shall be transferred to the Supreme Court, and any person failing to comply with any order made by the Supreme Court for the purpose of giving effect to this section, shall be guilty of a contempt of the Supreme Court.

Transfer of pending business.

LXIX. From and after the commencement of this Act, the several jurisdictions which by this Act are transferred to and vested in the Supreme Court shall cease to be exercised except by the Supreme Court as provided by this Act.

Provided, that all causes, matters, and proceedings whatsoever, whether civil or criminal, which have been commenced in and perfected

in, or are pending in any of the Courts whose jurisdiction is so transferred as aforesaid, shall be in and be continued and concluded in and before the Supreme Court. And the Supreme Court shall have the same jurisdiction in relation to all such causes, matters, and proceedings as if the same had been commenced and perfected in the Supreme Court, or had been commenced and continued therein down to the point at which the transfer took place.

LXX. All fines and penalties imposed by this Act, or which can be enforced by the Court constituted by this Act, or which could have been enforced by any Court the jurisdiction and powers of which have been transferred to and vested in the Supreme Court by this Act, shall, unless it is otherwise provided by the Act imposing any such fine or penalty, be enforced by the Supreme Court by distress, and, in default of sufficient distress, by imprisonment, with or without hard labour, for a period not exceeding six months.

Enforcing of
fines, &c.

LXXI. Every person who, in Court or in Chambers, or before any commissioner or person authorised by the Court to take evidence, wilfully and knowingly gives false evidence, shall be guilty of perjury.

False evidence.

FIRST SCHEDULE.

Schedule I.

Session and Chapter.	Title.	Extent of Repeal.
39 Geo. 3, c. 2. ...	An Act for the better regulation of counsel, attornies, solicitors, and proctors.	The whole Act.
45 Geo. 3, c. 21. ...	An Act to consolidate and bring into one Act the several laws for establishing and regulating the General Court of the said islands; to extend the powers and authorities of the Justices of the said Court in some respects; and to suspend the several Acts and sections of an Act therein mentioned, and for other purposes.	Sec. 1, 12, 13, 14, 19, 29.
45 Geo. 3, c. 23. ...	An Act for the better and more effectual trial of offences committed on the high seas.	The whole Act.
2 Geo. 4, c. 32. ...	An Act concerning Probate of Deeds in the United States of America, and to suspend an Act therein mentioned.	Sec. 2.
5 Wm. 4, c. 18. ...	An Act to authorize the holding of the General Court of the said Islands on the third Tuesday in October in every year.	The whole Act.
2 Vic. c. 9. ...	An Act for regulating appeals from the several Courts of Common Law within the Bahama Islands.	The whole Act.
8 Vic. c. 9. ...	An Act for amending the laws relating to the payment of expenses attending the trial of persons charged with criminal offences.	Sec. 1, 2, 3, and 4.
8 Vic. c. 23. ...	An Act for abolishing arrest on mesne process in civil cases except in certain instances and for extending the remedies of creditors against the property of debtors.	Sec. 15, 18.
10 Vic. c. 12. ...	An Act to improve the practice of the Courts of Chancery and Ordinary of the Bahama Islands.	The whole Act.
12 Vic. c. 11. ...	An Act to amend the laws regulating the General Court of the Bahama Islands.	The whole Act.
13 Vic. c. 3. ...	An Act for the better regulation of the office of the Court of Ordinary of the Bahama Islands.	The whole Act except sec. 1.

Session and Chapter.	Title.	Extent of Repeal.
15 Vic. c. 3. ...	An Act for further improving the administration of criminal justice.	Sec. 38.
17 Vic. c. 24. ...	An Act for improving the practice and proceedings of the Court of Chancery.	The whole Act.
18 Vic. c. 10. ...	An Act further to amend the process, practice, and mode of pleading in the General Court of the Bahama Islands.	Sec. 8, 36, 38.
23 Vic. c. 19. ...	An Act to consolidate and amend the laws relating to the practice and mode of proceeding in the Court of Common Pleas.	Sec. 1, 2, 3, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 22, 23, 31, 33, 34, 36, 37, 39, 40, 41, 42, 46, 47, 48, 49, 50, 51, 52, 55, 56, 57.
28 Vic. c. 23. ...	An Act to transfer the jurisdiction now exercised by the Governor as Chancellor to the General Court and the Judges thereof.	The whole Act.
29 Vic. c. 31. ...	An Act to amend the course of procedure on the Equity side of the General Court, and for other purposes.	The whole Act.
29 Vic. c. 34. ...	An Act to amend the Act of Assembly 23 Vic. c. 19, entitled "An Act to consolidate the law relating to the practice and mode of proceeding in the Court of Common Pleas."	The whole Act.
33 Vic. c. 7. ...	An Act to amend the laws regulating the procedure in the General Court and other Superior Courts of the Bahama Islands.	The whole Act.
33 Vic. c. 13. ...	An Act to consolidate and amend the law of Bankruptcy.	Sec. 59, 60, 61, 63, 65, 66, 70, 98.
34 Vic. c. 10. ...	An Act to declare the law relative to the jurisdiction of the General Court on its Equity side in cases of lunacy and for other purposes.	The whole Act.
36 Vic. c. 8. ...	An Act to consolidate and amend the laws regulating the Department of the Receiver-General and Treasurer, and the provisions of various Acts of Assembly relating to trade.	Sec. 194, 195.
41 Vic. c. 1. ...	An Act to authorize the holding of special sessions of the General Court for the trial of criminal offences.	The whole Act.
42 Vic. c. 6. ...	An Act to consolidate and amend the law relating to Divorce and Matrimonial Causes within the Bahama Islands.	Sec. 2, 3, 4, 5, 6, 7, 16, 41, 53, 57, 59, 63, 69.
42 Vic. c. 7. ...	An Act to amend the law relating to the Jurisdiction of the Court of Common Pleas.	The whole Act.
46 Vic. c. 17. ...	An Act declaring that the future holders of the office of Chief Justice of these islands shall possess certain qualifications.	The whole Act.
47 Vic. c. 4. ...	An Act to provide for the amalgamation prospectively of the duties of certain public offices of the colony.	3rd section.
47 Vic. c. 11. ...	An Act to amend the Act 45 George 3, c. 2, entitled "An Act for the better regulation of counsel, attornies, solicitors, and proctors.	The whole Act.
47 Vic. c. 17. ...	An Act to amend the Act entitled "An Act declaring that the future holders of the office of Chief Justice of these islands shall possess certain qualifications."	The whole Act.

Session and Chapter.	Title.	Extent of Repeal.
48 Vic. c. 16. ...	An Act to improve the administration of justice.	Sec. 11, 12, 15, 17, 18.
54 Vic. c. 9. ...	An Act to amend the practice in civil proceedings in the General Court of the Bahama Islands by the abolition of impanelances.	The whole Act.
54 Vic. c. 19. ...	An Act to amend the procedure relating to appeals from the Court of Common Pleas of the Bahamas.	The whole Act.
55 Vic. c. 16. ...	An Act to amend the Act of Assembly 29 Vic. c. 34.	The whole Act.
56 Vic. c. 13. ...	An Act declaring Probates of Wills and Letters of Administration granted in the United Kingdom valid and effectual within these Islands.	The whole Act.

SECOND SCHEDULE.

Schedule II.

Session and Chapter.	Title.	Extent of Repeal.
45 Geo. 3. c. 21. ...	An Act to consolidate and bring into one Act the several laws for establishing and regulating the General Court of the said Islands; to extend the powers and authorities of the Justices of the said Court in some respects and to suspend the several Acts and sections of an Act therein mentioned, and for other purposes.	Sec. 6, 7, 9, 10, 17, 18, 22.
10 Vic. c. 30. ...	An Act to enable Courts of Law to order the examination of witnesses upon interrogatories and otherwise.	The whole Act.
11 Vic. c. 27. ...	An Act to enable Courts of Law to give relief against adverse claims made upon persons having no interest in the subject matter of such claims.	The whole Act.
17 Vic. c. 20. ...	An Act to amend the process, practice, and mode of pleading in the General Court of the Bahama Islands.	The whole Act.
18 Vic. c. 10. ...	An Act further to amend the process, practice, and mode of pleading in the General Court of the Bahama Islands.	The whole Act, except sec. 30 to 35 inclusive.
21 Vic. c. 23. ...	An Act to amend the laws regulating the process, practice, and mode of pleading in the General Court of these Islands, and for other purposes.	Sec. 1, 2, 3, 4, 6 and 7.
22 Vic. c. 3. ...	An Act to amend the laws regulating the sale of land under judicial process, and for other purposes.	The whole Act except sec. 9.
23 Vic. c. 19. ...	An Act to consolidate and amend the laws relating to the practice and mode of proceeding in the Court of Common Pleas.	Sec. 4, 5, 10, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 32, 35, 38, and the Schedules.
30 Vic. c. 13. ...	An Act to amend the process, practice, and mode of procedure on the Equity side of the General Court, and for other purposes.	The whole Act.

Session and Chapter.	Title.	Extent of Repeal.
35 Vic. c. 19. ...	An Act to amend the law relating to Probate of Wills and Letters of Administration and to the mode of procedure in the Court of Ordinary.	Sec. 5 to 16 inclusive.
35 Vic. c. 21. ...	An Act to extend the application of the Act of Assembly 22 Vic. c. 3, amending the law regulating the sale of land under judicial process.	The whole Act.
36 Vic. c. 10. ...	An Act to amend the Act 11 Vic. c. 27, to enable Courts of Law to give relief against adverse claims made upon persons having no interest in the subject of such claims.	The whole Act.
42 Vic. c. 6. ...	An Act to consolidate and amend the law relating to Divorce and Matrimonial Causes within the Bahamas.	Sec. 25, 26, 46, 47, 48, 49, 51, 52, 54, 55, 56, 58, 62, 65, 66, and Schedules.

No. 2.

60 and 61 Vic. c. 36. *An Act to amend "The Supreme Court Act, 1896."* (Assented to 14th July, 1897.)

Short title.

I. This Act may be cited for all purposes as "The Supreme Court Amendment Act, 1897."

Meaning of "principal Act."

II. Wherever the words "principal Act" are used in this Act they shall be held and construed to mean and refer to "The Supreme Court Act, 1896."

Amends.

III. In reading hereafter the 52nd section of the principal Act the words "the taxing of" in the seventh line shall be omitted, and the words "and the taxing thereof" shall be inserted and read after the word "attornies" in the eighth line of such section.

Repeal.

IV. The words "until the next ensuing Session" at the end of the 55th section of the principal Act are hereby repealed.

Amends.

V. In reading hereafter the third column of the first schedule of the principal Act the figure "8" shall be inserted and read after the word "sections" and before the figures "36," as one of the repealed sections of the 18 Victoria, chapter 10; the figures "12" inserted and read after the figures "10" as one of the repealed sections of the Act 23 Victoria, chapter 19; the figures "15" inserted and read after the figures "14" as one of the repealed sections of the Act 23 Victoria, chapter 19; and the figure "1" inserted and read after "41 Victoria, c." instead of the figures "17."

Amends.

VI. In the third column of the second schedule of the principal Act the figures "11" shall hereafter be inserted and read after the figure "5" as a repealed section of the Act 23 Victoria, chapter 19.

No. 3.

61 Vic. c. 20. *An Act further to amend "The Supreme Court Act, 1896," and for other purposes.* (Assented to 31st May, 1898.)

I. This Act may be cited for all purposes as "The Supreme Court Amendment Act, 1898;" and this Act, together with "The Supreme Court Act, 1896," and "The Supreme Court Amendment Act, 1897," may be cited as "The Supreme Court Acts, 1896 to 1898." Short title.

II. Wherever the words "principal Act" and "Court" are used in this Act they shall be held and construed to mean and refer to "The Supreme Court Act, 1896," and the Supreme Court of these Islands respectively. Words "principal Act," and "Court" defined.

III. In reading the second schedule to the principal Act after the coming into operation of the Rules of Court to be prepared under the authority of the principal Act, there shall be included and read therein as part of such schedule and as repealed the Acts named in the first column of the schedule to this Act to the extent set out in the third column thereof. Repeal.

IV. Whenever lands are levied on under any writ of execution issued out of the Court they shall be deemed and taken to be in the legal possession of the Provost Marshal of the Colony, until in the case of an adverse claim such levy shall be withdrawn, or the title thereto ascertained and adjudicated thereon as provided for by Rules of the Court. Lands levied on deemed to be in legal possession of Provost Marshal.

V. On the final execution of any writ issued out of the Court under which a levy shall have been made by the Provost Marshal, by the sale of the land levied on thereunder, the conveyance by the Provost Marshal of such land shall operate as a bar to all estates existing at the time of sale, and in respect of which the parties entitled being of full age, and not being under coverture, beyond seas, or subject to other legal disability, did not give notice in writing to the said Provost Marshal of their claim or respective claims thereto. Conveyance by Provost Marshal to operate as a bar to all estates existing if notice of claim is not given.

VI. Whenever any action is brought against any person for any act, matter, or thing done under the authority of this Act, or under any rule of the Court it shall be lawful for the defendant to plead the general issue, and give the particular Act of Assembly or Rule of Court under or by virtue of which he acted, with the special matter in evidence under that plea. Defendant may plead general issue.

VII. Where any person neglects or refuses to comply with a judgment or order of the Court directing him to execute any conveyance, contract, or other document, or to indorse any negotiable instrument, the Court may, on such terms and conditions (if any) as may be just, order that such conveyance, contract, or other document shall be executed, or that such negotiable instrument shall be indorsed by such person as the Court may nominate for that purpose; and in such case the conveyance, contract, document, or instrument so executed or indorsed shall operate and be for all purposes available as if it had been executed or indorsed by the person originally directed to execute or indorse it. Any conveyance, contract, document, or negotiable instrument may be executed or indorsed by some person named by the Court.

VIII. From and after the passing of this Act the jurisdiction of the Court of Common Pleas transferred to the Court by the principal Act shall in the following matters be limited to such causes, matters, and proceedings wherein the amount recovered, or the value of the property in dispute or to be proceeded against exceeds the sum of ten pounds, that is to say:

(a.) In causes, matters, and proceedings not concluded at the time of the transfer of jurisdiction:

(b.) In proceedings in cases of seizure under the Revenue Laws of the Colony,

and so much of the principal Act as may be inconsistent herewith shall be and the same is hereby repealed. Repeal.

Schedule.

SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
40 Geo. 3, c. 2.	An Act to declare how much of the Laws of England are practicable within the Bahama Islands, and ought to be in force within the same.	So much as declares in force in the Bahama Islands the statutes of the Imperial Parliament 11 Henry 7, chapter 12, and 23 Henry 8, chapter 15.
3 Vic. c. 33. ...	An Act to extend to these Islands the Act of Parliament 3rd and 4th William 4, chapter 42, entitled "An Act for the further amendment of the law and the better administration of Justice."	So much as declares in force in and extends to these Islands Sec. 6, 8, 9, 10, 11, 12, 13, 21, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 39, 40, and 41 of the said Act of Parliament 3 and 4, William 4, chapter 42.
23 Vic. c. 23. .	An Act to extend to the Colony certain Acts of the Imperial Parliament of Great Britain and Ireland therein mentioned.	So much as declares in force and extends to these Islands the Statute of the Imperial Parliament 18 and 19 Victoria, chapter 67.

CLASS II.

SUPREME COURT: PROBATE AND DIVORCE SIDES.

No. 1.

35 Vic. c. 19. *An Act to amend the Law relating to Probate of Wills and Letters of Administration, and to the mode of procedure in the Court of Ordinary.* (Assented to 23rd May, 1872.)

How probate of will or letters of administration are to be granted.

I. No probate of the will, nor letters of administration of the estate and effects of any person deceased shall be granted by the Court of Ordinary, until the person or persons applying for such probate or letters of administration shall enter into bond, with two or more good and sufficient sureties, in the penal sum of one hundred pounds, with condition under-written that he or they shall and will, within six calendar months after the date of such bond, return into the office of the Registrar of the said court at Nassau a true and correct account in the form in the schedule to this Act annexed, showing the value of the personal estate and effects of the deceased person, and further conditioned for the payment, within the said period of six calendar months, of the full amount of fees which shall become due and payable under and by virtue of any Act of Assembly now or hereafter to be in force, or shall be otherwise payable on the estate in respect of which such probate or letters of administration is or are required to be granted, which bond shall be taken in the name of the Queen and her successor and successors, and may be put in suit on default being made in the condition thereof, by order of the Ordinary.

Provision for return of fees in case of error.

II. If any executor or administrator, at any time within one year after having returned such account and paid such fees as aforesaid, shall

discover that the estate of the deceased person was estimated at too high a value in such return, and that the amount of fees paid by him was consequently greater than he was liable to pay, and shall make the same appear to be the case, to the satisfaction of the Governor in Council, it shall be lawful for such Governor to issue his warrant on the Public Treasury, for the return to such executor or administrator of any excess of payment so made by him.

III. If any executor or administrator shall, through mistake or misapprehension, or otherwise without fraud, have omitted out of such return any part of the personal estate or effects of the testator or intestate, it shall be lawful for such executor or administrator, at any time within three calendar months after the discovery of such omission, to amend his return, and to pay the additional fees due on the estate of the deceased without being liable to any penalty or forfeiture under this Act.

Provision for rectifying mistakes of omission without fraud.

IV. If any person, after the passing of this Act, shall take possession of and in any manner administer any part of the personal estate and effects of any person deceased without obtaining probate of the will or letters of administration of the estate and effects of the deceased person, every person so offending shall forfeit and pay the sum of twenty-five pounds, and such additional sum as would be equal to the amount of fees which would be chargeable on the grant of probate or administration on the estate so administered by him or her.

Penalty for taking possession of personal estate of deceased persons before obtaining probate of will or letters of administration.

V. to XVI. inclusive. Repealed by "The Supreme Court Act, 1896."

SCHEDULE.

Schedule.

Return of the Value of the Personal Estate and Effects of A. B., late of the Island of New Providence, Merchant, deceased.

By net sales of a portion of the personal estate or effects of the deceased, sold at auction on the day of	£	s.	d.
18, as per account sales annexed	180	0	0
By the following articles sold by the Executor at private sale (here name articles)	63	0	0
By the following articles specifically bequeathed and appraised as follows (here name articles)	100	0	0
By the following articles taken by the Executor at their appraised value (here name articles)	32	0	0
By this amount of money in possession of the deceased at the time of his death	50	0	0
By this sum collected by the Executor since his death ..	190	0	0
By debts still due to the estate, considered as good and sperate, estimated at	120	0	0
By this amount at interest in the Public Bank at the time of the death of the deceased	100	0	0
By this amount deposited in the said Bank, not at interest ..	110	0	0
Total value of the estate of the deceased on which fees are chargeable	£945	0	0

I, C. D., Executor of the last will and testament of the deceased A. B. (or administrator of the estate of the said A. B., as the case may be), do declare that the foregoing contains, to the best of my knowledge and belief, a true account of the value of the personal estate of the said A. B. within the Bahama Islands.

(Signed) C. D.

Declared before me this, day of

, A.D. 18

E. F.,
Registrar.

No. 2.

42 Vic. c. 6. *An Act to consolidate and amend the Laws relating to Divorce and Matrimonial Causes within the Bahama Islands.*
(Assented to 11th March, 1879.)

Title. I. This Act may be cited as "The Matrimonial Causes Act, 1879."
II., III., IV., V., VI., and VII. sections repealed by "The Supreme Court Act, 1896."

Grounds for obtaining a decree. VIII. A decree for a judicial separation which shall have the effect of a Divorce *a mensa et thoro* under what was, prior to the passing in England of the Statute twentieth and twenty-first Victoria, chapter eighty-five, the Law of England, may be obtained in the Court for Divorce and Matrimonial Causes, on any ground or grounds on which such a decree can be obtained in England.

Application for restitution of conjugal rights or for separation how made. IX. Application for restitution of conjugal rights or for judicial separation on any one of the grounds aforesaid may be made by either husband or wife by petition to the Court, and the Court, on being satisfied of the truth of the allegations therein contained, and that there is no legal ground why the same should not be granted, may decree such restitution of conjugal rights or judicial separation accordingly, and, where the application is by the wife, may make any order for alimony which shall be deemed just.

Property of a wife deserted by her husband protected. X. A wife deserted by her husband may, at any time after such desertion, apply to the Court for Divorce and Matrimonial Causes, or to a police Magistrate, for an order to protect any money or property she may acquire by her own lawful industry, and property which she may become possessed of after such desertion, against her husband or his creditors, or any person claiming under him, and such Court or Police Magistrate, if satisfied of the fact of such desertion, and that the same was without reasonable cause, and that the wife is maintaining herself by her own industry, or property, may make and give to the wife an order protecting her earnings and property acquired since the commencement of such desertion, from her husband and all creditors and persons claiming under him, and such earnings and property shall belong to the wife as if she were a *feme sole*; *Provided always*, that every such order, when made by a Magistrate, shall, within ten days after the making thereof, if made in the Island of New Providence, and within thirty days if made elsewhere, be entered with the Registrar of the Court for Divorce and Matrimonial Causes, and that it shall be lawful for the husband and any creditor or other person claiming under him, to apply to the Court or to the Magistrate by whom such order was made for the discharge thereof. *Provided also*, that if the husband, or any creditor or person claiming under the husband, shall seize or continue to hold any property of the wife, after notice of any such order, he shall be liable at the suit of the wife (which she is hereby empowered to bring) to restore the specific property, and also for a sum equal to double the value of the property so seized or held after such notice as aforesaid: *And provided also*, that if any such order of protection be made, the wife shall, during the continuance thereof, be and be deemed to have been during such desertion of her in the like position in all respects with regard to property and contracts, and suing and being sued as she would be under this Act if she obtained a decree of judicial separation.

Proviso. Proviso. Proviso. XI. and XII. Repealed by 51 Vic. c. 19.

Aggravated assault upon a wife how dealt with. XIII. If a husband shall be convicted summarily or otherwise of an aggravated assault within the meaning of the statute 28 Victoria, chapter 3, section 34, upon his wife, the Court or Magistrate before whom he shall be so convicted may, if satisfied that the future safety of the wife is in peril, order that the wife shall be no longer bound to

cohabit with her husband; and such order shall have the force and effect in all respects of a decree of judicial separation on the ground of cruelty; and such order may further provide—

1. That the husband shall pay to his wife such weekly sum as the Court or Magistrate may consider to be in accordance with his means, and with any means which the wife may have for her support, and the Court or Magistrate by whom any such order for payment of money shall be made shall have power from time to time to vary the same on the application of either the husband or wife, upon proof that the means of the husband or wife have been altered in amount since the original order or any subsequent order varying it shall have been made:
2. That the legal custody of any children of the marriage under the age of ten years shall, in the discretion of the Court or Magistrate, be given to the wife.

Wife's support under order of separation.

Custody of children.

Provided always, that no order for payment for money by the husband, or for the custody of the children by the wife, shall be made in favour of a wife who shall be proved to have committed adultery, unless such adultery has been condoned; and that any order for payment of money or for the custody of children may be discharged by the Court or Magistrate by whom such order was made upon proof that the wife has since the making thereof been guilty of adultery; and *provided also*, that all orders made under this section shall be subject to appeal to the Court for Divorce and Matrimonial Causes, and the decision thereon shall be final.

Proviso.

XIV. The proceedings before Magistrates under this Act shall be governed by the provisions of the Act 12 Victoria, chapter 10, as well in enforcing orders made as in investigating complaints preferred, and the proceedings before the Court for Divorce and the Judge Ordinary shall be regulated by such rules as the said Judge may from time to time make and enact for the purpose, and in all such proceedings the parties, husband and wife, shall be competent witnesses for both parties.

Proceedings before Magistrate or Court of Divorce regulated.

XV. Repealed by 51 Vic. c. 19.

XVI. Repealed by "The Supreme Court Act, 1896."

XVII. Any husband or wife, upon the application of whose wife or husband, as the case may be, a decree of judicial separation has been pronounced, may at any time thereafter present a petition to the Court, praying for a reversal of such decree on the ground that it was obtained in his or her absence, and that there was reasonable ground for the alleged desertion, where desertion was the ground of such decree, and the Court may, on being satisfied of the truth of the allegations of such petition, reverse the decree accordingly, but the reversal thereof shall not prejudice or affect the rights or remedies which any other person would have had in case such reversal had not been decreed, in respect of any debts, contracts, or acts of the wife incurred, entered into, or done between the time of the sentence of separation and of the reversal thereof.

Reversal of decree of judicial separation may be obtained.

XVIII. In all cases in which the Court shall make any decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf, to be approved of by the Court, and may impose any term or restriction which to the Court may seem expedient, and may from time to time appoint a new trustee, if for any reason it shall appear to the Court expedient so to do.

Wife's alimony may be paid to a trustee.

XIX. In every case of a judicial separation the wife shall from the date of the sentence, and whilst the separation shall continue, be considered as a *feme sole* with respect to property of every description which she may acquire or which may come to, or devolve upon her, and such property may be disposed of by her in all respects as a *feme sole*, and on her decease the same shall, in case she shall die intestate, go as the

A wife to be considered a *feme sole* after judicial separation.

Proviso.

When a wife may be considered a *feme sole* for contracts, wrongs, &c.

Further effect of a decree for judicial separation.

A wife's earnings protected or any corporation who may deal with her.

Date of protection.

Protection to persons who make payment to wife.

same would have gone if her husband had been then dead. *Provided*, that if any such wife should again cohabit with her husband, all such property as she may be entitled to, when such cohabitation shall take place, shall be held to her separate use, subject, however, to any agreement in writing made between herself and her husband whilst separate.

XX. In every case of a judicial separation, the wife shall, while so separated, be considered as a *feme sole*, for the purposes of contract and wrongs and injuries, and suing and being sued in any civil proceeding, and her husband shall not be liable in respect of any engagement or contract she may have entered into, or for any wrongful act or omission by her, or for any costs she may incur as plaintiff or defendant. *Provided* that where upon any such judicial separation alimony has been decreed or ordered to be paid to the wife, and the same shall not be duly paid by the husband, he shall be liable for necessities supplied for her use. *Provided also*, that nothing shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power given to herself and her husband.

XXI. That the provisions of this Act respecting the property of a wife who has obtained a decree for judicial separation or an order for protection shall be deemed to extend to property to which such wife has become, or shall become, entitled, as executrix, administratrix, or trustees since the sentence of separation, or the commencement of the desertion (as the case may be); and the death of the testator, or intestate, shall be deemed to be the time when such wife became entitled as executrix or administratrix.

XXII. In every case in which a wife shall under this Act have obtained an order to protect her earnings or property, or a decree for judicial separation, such order or decree shall, until reversed or discharged, so far as necessary for the protection of any person or corporation who shall deal with the wife, be deemed valid and effectual, and no discharge, variation, or reversal of such order or decree shall prejudice or affect any rights or remedies which any person shall have had, in case the same had not been so reversed, varied, or discharged in respect to any debts, contracts, or acts of the wife incurred, entered into, or done between the times of the making such order or decree, and of the discharge, variation, or reversal thereof, and property of, or to which the wife is possessed or entitled, for an estate in remainder or reversion at the date of the desertion or decree (as the case may be), shall be deemed to be included in the protection given by the order or decree.

XXIII. Every order which shall be obtained by a wife under this Act, for the protection of her earnings or property, shall state the time at which the desertion in consequence whereof the order is made commenced. And the order shall, as regards all persons dealing with such wife in reliance thereon, be conclusive as to the time when such desertion commenced.

XXIV. All persons and corporations who shall in reliance on any such order or decree as aforesaid, make any payment to, or permit any transfer or act to be made or done by the wife who has obtained the same, shall, notwithstanding such order or decree may then have been discharged, reversed, or varied, or the separation of the wife from her husband may have ceased, or at some time since the making of the order or decree been discontinued, be protected and indemnified in the same way in all respects as if at the time of such payment, transfer, or other act such order or decree were valid and still subsisting without variation, in full force and effect, and the separation of the wife from her husband had not ceased or been discontinued, unless at the time of such payment, transfer, or other act, such persons or corporations had notice of the discharge, reversal, or variation of such order or decree, or of the cessation or discontinuance of such separation.

XXV. and XXVI. Repealed by "The Supreme Court Act, 1896."

XXVII. Upon any such petition for the dissolution of a marriage, it shall be the duty of the Court to satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or no the petitioner has been in any manner accessory to, or conniving at, the adultery, or has condoned the same, and shall also inquire into any counter charge which may be made against the petitioner.

Duty of Court.

XXVIII. In all cases now pending, or hereafter to be commenced, in which, on the petition of a husband for a divorce, the alleged adulterer is made a co-respondent, or in which, on the petition of a wife, the person with whom the husband is alleged to have committed adultery is made a respondent, it shall be lawful for the Court, after the close of the evidence on the part of the petitioner, to direct such co-respondent or respondent to be dismissed from the suit, if it shall think there is not sufficient evidence against him or her.

Court may order respondent or co-respondent to be dismissed from suit.

XXIX. In case the Court, on the evidence in relation to any such petition, shall not be satisfied that the alleged adultery has been committed, or shall find that the petitioner has, during the marriage, been accessory to, or conniving at, the adultery of the other party to the marriage, or has condoned the adultery complained of, or that the petition is presented or prosecuted in collusion with either of the respondents, then and in any of the said cases the Court shall dismiss the said petition.

Grounds for dismissing petition.

XXX. In case the Court shall be satisfied on the evidence that the case of the petitioner has been proved, and shall not find that the petitioner has been in any manner accessory to, or conniving at, the adultery of the other party to the marriage, or has condoned the adultery complained of, or that the petition is presented or prosecuted in collusion with either of the respondents, then the Court shall pronounce a decree declaring such marriage to be dissolved. *Provided always*, that the Court shall not be bound to pronounce such decree if it shall find that the petitioner has during the marriage been guilty of adultery, or if the petitioner shall, in the opinion of the Court, have been guilty of unreasonable delay in presenting or prosecuting such petition, or of cruelty towards the other party to the marriage, or of having deserted or wilfully separated himself or herself from the other party before the adultery complained of, and without reasonable excuse or of such wilful neglect or misconduct as has conduced to the adultery.

Power of Court on proof of adultery.

XXXI. The Court may, if it shall think fit, on any such decree, order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum of money, or such annual, monthly, or weekly sums for her maintenance for any term not exceeding her own life, as having regard to her fortune (if any), to the ability of the husband, and to the conduct of the parties it shall deem reasonable, and for that purpose may refer it to any one of the Counsel of the Court to settle and approve of a proper deed or instrument to be executed by all necessary parties. And the said Court may in such case, if it shall see fit, suspend the pronouncing of its decree until such deed shall have been duly executed, and upon any petition for dissolution of marriage, the Court shall have the same power to make interim orders for payment of money by way of alimony or otherwise, to the wife, as it would have in a suit instituted for judicial separation. *Provided always*, that if the husband shall afterwards from any cause become unable to make any such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same order wholly or in part as to the Court may seem fit.

Proviso.

Court may secure to wife under decree of dissolution of marriage a gross sum of money or weekly sums.

Proviso.

XXXII. The Court, after a final decree of judicial separation, nullity of marriage, or dissolution of marriage, may, upon application

Custody, education and maintenance of children.

(by petition) for this purpose make (from time to time) all such orders and provisions with respect to the custody, maintenance, and education of the children, the marriage of whose parents was the subject of the decree, or for placing such children under the protection of the General Court on its Equity side, as might have been made by such final decree, or by interim orders, in case the proceedings for obtaining such decree were still pending, and all orders under this enactment may be made by the Judge Ordinary.

Ante-nuptial or post-nuptial settlement.

XXXIII. The Court, after a final decree of nullity of marriage, or dissolution of marriage, whether there are children of the marriage or not, may enquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders, with reference to the application of the whole or a portion of the property settled either for the benefit of the children of the marriage, if there are children, or the respective parties to the suit, as to the Court shall seem fit.

Court may give relief in certain cases without filing petition.

XXXIV. In any suit instituted for dissolution of marriage, if the respondent shall oppose the relief sought on the ground in case of such a suit instituted by a husband of his adultery, cruelty, or desertion, or in case of such a suit instituted by a wife on the ground of her adultery or cruelty, the Court may in such suit give to the respondent on his or her application, the same relief to which he or she would have been entitled in case he or she had filed a petition seeking such relief.

Damages may be claimed by husband from any person on the ground of adultery.

XXXV. Any husband may either in a petition for dissolution of marriage, or for judicial separation, or in a petition limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner, and such petition shall be served on the alleged adulterer and the wife, unless the Court shall dispense with such service, or direct some other service to be substituted, and the claim made by every such petition shall be heard and tried on the same principles, in the same manner, and subject to the same or the like rules and regulations as actions for criminal conversation could, prior to the passing of this Act, be tried and decided in Courts of Common Law; and all the enactments herein contained with reference to the hearing and decision of petitions to the Court, shall, so far as may be necessary, be deemed applicable to the hearing and decision of petitions presented under this enactment, and the damages to be recovered on any such petitions shall in all cases be ascertained by the verdict of a special jury, although the respondents or either of them may not appear; and after the verdict has been given, the Court shall have power to direct in what manner such damages shall be paid or applied, and to direct that the whole, or any part thereof, shall be settled for the benefit of the children (if any), of the marriage, or as a provision for the maintenance of the wife.

Costs.

XXXVI. Whenever in any petition presented by a husband, the alleged adulterer shall have been made a co-respondent, and the adultery shall have been established, it shall be lawful for the Court to order the adulterer to pay the whole or any part of the costs of the proceedings.

Interim orders for custody and education of children.

XXXVII. In any suit or other proceedings for obtaining a judicial separation or a decree of nullity of marriage, and on any petition for dissolving a marriage, the Court may from time to time, before making the final decree, make such interim orders, and may make such provision in the final decree as it may deem just and proper, with respect to the custody, maintenance, and education of the children, the marriage of whose parents is the subject of such suit or other proceeding, and may, if it shall think fit, direct proper proceedings to be taken for placing such children under the protection of the General Court on its Equity side.

Facts arising in proceedings.

XXXVIII. In questions of fact arising in proceedings under this Act, it shall be lawful for, but, except as herein-before provided, not

obligatory upon the Court to direct the truth thereof to be determined before itself, by the verdict of a special or common jury.

XXXIX. The Court, or any Judge thereof, may make all such rules and orders upon the Provost Marshal, or any other person, for procuring the attendance of a special or common jury for the trial of such question as may now be made by the General Court, or any Judge thereof, and may also make any other orders which to such Court may seem requisite, and every such jury shall consist of persons possessing the like qualifications, and shall be struck, summoned, and balloted for, and called in like manner, as if such jury were a jury for the trial of any cause in the said General Court. And every jurymen so summoned shall be entitled to the same rights, and subject to the same duties and liabilities, as if he had been duly summoned for the trial of any such cause in the said General Court, and every party to any such proceeding shall be entitled to the same rights as to challenge and otherwise as if he were a party to any such cause.

When a question is ordered to be tried a jury may be summoned as in the General Court.

XL. When any such question shall be so ordered to be tried, such question shall be reduced into writing in such form as the Court shall direct, and at the trial the jury shall be sworn to try the said question, and a true verdict to give thereon, according to the evidence, and upon every trial, the Court shall have the same powers, jurisdiction, and authority as any Judge of the said General Court sitting at *Nisi Prius*.

Question to be tried to be reduced into writing.

XLI. Repealed by "The Supreme Court Act, 1896."

XLII. It shall be lawful for the Court to direct one or more issue or issues, to be tried in the General Court, and either by a special or common jury, in like manner as can now be done by the General Court on its Equity side.

Issues may be tried in General Court.

XLIII. Every decree for divorce or for nullity of marriage shall in the first instance be a decree nisi not to be made absolute until after the expiration of six months from the pronouncement thereof, unless the Court shall by general or special order from time to time direct that the same shall be made absolute within a shorter time, not, however, before the expiration of three months from the pronouncing thereof, and during that period any person shall be at liberty, in such manner as the Court shall by general or special order in that behalf from time to time direct, to show cause why the said decree should not be made absolute by reason of the same having been obtained by collusion or by reason of material facts not brought before the Court; and, on cause being so shown, the Court shall deal with the case by making the decree absolute, or by reversing the decree nisi, or by requiring further inquiry, or otherwise as justice may require; and at any time during the progress of the cause or before the decree is made absolute any person may give information to Her Majesty's Attorney-General of any matter material to the due decision of the case, who may thereupon take such steps as he may deem necessary or expedient; and if from any such information or otherwise the said Attorney-General shall suspect that any parties to the suit are or have been acting in collusion for the purpose of obtaining a divorce contrary to the justice of the case, he may, by leave of the Court, intervene in the suit, alleging such case of collusion, and retain Counsel and subpoena witnesses to prove it; and it shall be lawful for the Court to order the costs of such Counsel and witnesses, and otherwise, arising from such intervention, to be paid by the parties or such of them as it shall see fit, including a wife if she have separate property.

Every decree for divorce or for nullity of marriage to be a decree nisi. Liberty to show why decree should not be made absolute. Attorney-General may intervene.

XLIV. Where Her Majesty's Attorney-General or any other person shall intervene or show cause against a decree nisi in any suit or proceeding for divorce or for nullity of marriage, the Court may make such order as to the costs of the Attorney-General, or of any other person who shall intervene or show cause as aforesaid, as may seem just; and Her Majesty's Attorney-General and any other person as aforesaid,

Costs of persons intervening.

and such party or parties shall be entitled to recover such costs in like manner as in other cases.

Court may send papers to Attorney-General.
Expense.

XLV. In every case of a petition for a dissolution of marriage, it shall be lawful for the Court, if it shall see fit, to direct all necessary papers in the matter to be sent to Her Majesty's Attorney-General, who shall instruct Counsel to argue before the Court any question in relation to such matter, and which the Court may deem it necessary or expedient to have fully argued; and Her Majesty's Attorney-General shall be entitled to charge and be reimbursed the costs of such proceedings as part of the expense of his office.

XLVI., XLVII., XLVIII., and XLIX. Repealed by "The Supreme Court Act, 1896."

Settlement of property for benefit of innocent parties.

L. In any case in which the Court shall pronounce a sentence of divorce or judicial separation for adultery of the wife, if it shall be made to appear to the Court that the wife is entitled to any property, either in possession or reversion, it shall be lawful for the Court, if it shall think proper, to order such settlement as it shall think reasonable to be made of such property, or any part thereof, for the benefit of the innocent party, and of the children of the marriage or either of them; and any instrument executed pursuant to any order of the Court made under the said enactment before or after the passing of this Act, at the time of or after the pronouncing of a final decree of divorce or judicial separation, shall be deemed valid and effectual in the law, notwithstanding the existence of the disability of coverture at the time of the execution thereof.

LI., LII., LIII., LIV., LV., LVI., LVII., LVIII., and LIX. Repealed by "The Supreme Court Act, 1896."

When divorced persons may marry again.

LX. When the time hereby limited for appealing against any decree dissolving a marriage shall have expired, and no appeal shall have been presented against such decree, or when any such appeal shall have been dismissed, or when in the result of any appeal, any marriage shall be declared to be dissolved, but not sooner, it shall be lawful for the respective parties thereto to marry again, as if the prior marriage had been dissolved by death.

Criminal conversation.

LXI. No action shall be maintainable in this Colony for criminal conversation.

Power to appoint commissioners on Out-islands to administer oaths.

LXII and LXIII. Repealed by "The Supreme Court Act, 1896."

LXIV. It shall be lawful for the Judge Ordinary to appoint, by commission under the Seal of the said Court, any resident or residents of the several Out-islands of the Government to administer oaths, and to take declarations or affirmations to be used in the said Court; and such persons shall be entitled from time to time to charge and take such fees as any other person performing the same duties in the said Court for Divorce and Matrimonial Causes may charge and take.

Perjury to depose or affirm falsely.

LXV. and LXVI. Repealed by "The Supreme Court Act, 1896."

LXVII. All persons wilfully deposing or affirming falsely in any proceeding before the Court, or in any affidavit, or deposition authorised to be taken in reference to any such proceeding, shall be deemed to be guilty of perjury, and shall be liable to all the pains and penalties attached thereto.

Penalty for forging seal or signature.

LXVIII. That if any person shall forge any seal or signature impressed, affixed or subscribed to any affidavit, declaration or affirmation to be used in the Court for Divorce and Matrimonial Causes, or shall tender in evidence any such document as aforesaid, with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction, be liable to be imprisoned with or without hard labour for any term not exceeding three years, nor less than one year; and whenever any such document has been admitted in evidence by virtue of this Act, the Court or the

person who has admitted the same, may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded, and be kept in the custody of some officer of the Court or other proper person, for such period and subject to such conditions as to the said Court or person shall seem meet.

LXIX. Repealed by "The Supreme Court Act, 1896."

No. 3.

59 Vic. c. 26. *An Act for the constitution of a Supreme Court and for other purposes relating to the better Administration of Justice in the Bahamas.* (Assented to 30th April, 1896.)

XXXV. The Chief Justice shall be the Judge Ordinary of the Probate side and on the Divorce and Matrimonial side of the Supreme Court; and, subject to any rules of Court to be made under this Act and to the laws in force in this Colony, the jurisdiction of the Court of Probate, Divorce, and Matrimonial causes and proceedings may be exercised in conformity with the law and practice (so far as they are applicable) for the time being in force in England which shall be deemed to be hereby extended to this Colony. Judge ordinary.

XXXVI. When a Court of Probate in the United Kingdom or in any part of Her Majesty's Dominions or in any Protectorate, place, or places where jurisdiction is exercised on behalf of Her Majesty under the Foreign Jurisdiction Act of the Imperial Parliament, or in the United States of America, has granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may on being produced to, and a copy thereof deposited with, the Court on its Probate side be sealed with the Seal of the Court, and thereupon shall be of the like force and effect and have the same operation in the Colony as if granted by the Court. Sealing.

Provided, that the Court before sealing a probate or letters of administration under this section may (I.) require such evidence (if any) as it thinks fit as to the domicile of the deceased person and (II.) shall be satisfied that all fees have been duly paid and all securities have been duly given in respect of such part of the estate as is found in the Colony which the laws of the Colony require to be paid and given on a probate or letters of administration being granted.

Provided also, that the Court may, if it thinks fit, on the application of any creditor, require before sealing that adequate security be given for the payment of debts due from the estate to creditors in the Colony.

CLASS III.

SUPREME COURT: CRIMINAL JURISDICTION AND PROCEDURE.

No. 1.

4 Wm. 4, c. 25. *An Act for improving the Administration of Criminal Justice in these Islands, for suspending certain Acts therein mentioned, and for other purposes.* (Assented to 15th February, 1834.)

I., II. and III. sections repealed by 12 Vic. c. 7.

IV. That every coroner upon any inquisition before him taken whereby any person shall be indicted for manslaughter or murder, or as an accessory to murder before the fact, shall put in writing the evidence

Coroner to put in writing the evidence taken by him before a jury.

given to the jury before him, or as much thereof as shall be material, and shall have authority to bind, by recognizance, all such persons as know or declare anything material touching the said manslaughter or murder, or the said offence of being accessory to murder, to appear at the next sitting of the General Court, then and there to prosecute or give evidence against the party charged ; and every such coroner shall certify and subscribe the same evidence, and all such recognizances and also the inquisition before him taken, and shall deliver the same to the proper officer of the said Court.

Justices and coroners may be tried for neglect at the discretion of the judges of the General Court.

V. That if any justice or coroner shall offend in anything contrary to the true intent and meaning of these provisions, the Court, to whose officer any such examination, information, evidence, bailment, recognizance, or inquisition, ought to have been delivered, shall, upon examination and proof of the offence, in a summary manner, set such fine upon every such justice or coroner, as the Court shall think meet.

VI., VII., and VIII. sections repealed by 28 Vic. c. 29.

One of the owners is sufficient to be named in any indictment to state the ownership.

IX. And in order to remove the difficulty of stating the names of all the owners of property in the case of partners and other joint owners, Be it, &c., That in any indictment or information for any felony or misdemeanor, wherein it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to, or be in the possession of, more than one person, whether such persons be partners in trade, joint tenants, parceners or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named, and another, or others, as the case may be : and whenever, in any indictment or information for any felony or misdemeanor, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners or tenants in common, it shall be sufficient to describe them in the manner aforesaid : and this provision shall be construed to extend to all joint stock companies and trustees.

Abuses from dilatory pleas prevented.

X. And for preventing abuses from dilatory pleas, Be it, &c., That no indictment or information shall be abated by reason of any dilatory plea of misnomer, or of want of addition, or of wrong addition of the party offering such plea, if the Court shall be satisfied, by affidavit or otherwise, of the truth of such plea, but in such case the Court shall forthwith cause the indictment or information to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

The escape of offenders from technical niceties prevented.

XI. And that the punishment of offenders may be less frequently intercepted in consequence of technical niceties, Be it, &c., That no judgment upon any indictment or information for any felony or misdemeanor, whether after verdict or outlawry, or by confession, default, or otherwise, shall be stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words, "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the Statute," instead of the words "against the form of the Statutes," or *vice versâ*, nor for that any person or persons mentioned in the indictment, or information is or are designated by a name of office, or other descriptive appellation, instead of his, her, or their proper name or names, nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment, or exhibiting the information, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, where the Court shall appear by the indictment or information to have had jurisdiction over the offence.

XII. That no judgment after verdict upon any indictment or information for any felony or misdemeanor, shall be stayed or reversed for want of a similiter, nor by reason that the jury process has been awarded to a wrong officer, upon an insufficient suggestion, nor for any misnomer or misdescription of the officer returning such process, or of any of the jurors, nor because any person has served upon the jury who has not been returned as a juror by the Provost Marshal or other officer: and that where the offence charged has been created by any statute, or subjected to a greater degree of punishment, the indictment or information shall, after verdict, be held sufficient to warrant the punishment prescribed by the statute, if it describe the offence in the words of the statute.

No judgment to be stayed or reversed for any misnomer, &c.

XIII. AND WHEREAS trials for criminal offences within these islands are attended with some forms which frequently impede the due administration of justice, and it is therefore expedient to abolish such forms, and also to abolish the benefit of clergy, and to make better provision for the punishment of offenders in certain cases; Be it, &c., That if any person not having privilege of peerage, being arraigned upon any indictment for treason, felony, or piracy, shall plead thereto a plea of "Not Guilty," he shall, by such plea, without any further form, be deemed to have put himself on the country for trial, and the Court shall, in the usual manner, order a jury for the trial of such person accordingly.

Certain forms dispensed with.

Effect of plea of "Not Guilty."

XIV. That if any person being arraigned upon or charged with any indictment or information for treason, felony, piracy, or misdemeanor, shall stand mute of malice, or will not answer directly to the indictment or information, in every such case it shall be lawful for the Court, if it shall so think fit, to order the proper officer to enter a plea of "Not Guilty" on behalf of such person, and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

Persons standing mute, the Court may record a plea of "Not Guilty," and proceed to trial.

XV. That if any person indicted for any treason, felony, or piracy, shall challenge peremptorily a greater number of the men returned to be of the jury than twenty in any of the said cases, every peremptory challenge beyond that number, in any of the said cases, shall be entirely void, and that the trial of such person shall proceed as if no such challenge had been made.

In indictments for felony, not more than twenty persons may be challenged.

XVI. That no plea setting forth any attainder shall be pleaded in bar of any indictment, unless the attainder be for the same offence as that charged in the indictment.

Attainder when to be pleaded.

XVII. That where any person shall be indicted for treason or felony, the jury empanelled to try such person shall not be charged to inquire concerning his lands, tenements, or goods, nor whether he fled for such treason or felony.

Jury not to inquire as to the lands, &c., of felons.

XVIII. That benefit of clergy with respect to persons convicted of felony shall be abolished; but that nothing herein contained shall prevent joinder in any indictment of any counts which might have been joined before the passing of this Act.

Benefit of clergy to felons abolished.

XIX. That no person convicted of felony shall suffer death, unless it be for some felony which was excluded from the benefit of clergy, before or on the first day of the present session of Assembly, or which hath been, or shall be made punishable with death by some Act or Statute passed after that day.

When felons are not to suffer death.

XX. That every person convicted of any felony not punishable with death, shall be punished in the manner prescribed by the statute or statutes specially relating to such felony; and that every person convicted of any felony for which no punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years; and, if a male, to be once, twice,

How persons convicted of any felony not punishable with death are to be punished.

Place and mode
of imprisonment
for offences under
this Act.

or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

XXI. And with regard to the place and mode of imprisonment for all offences punishable under this Act; Be it, &c., That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment or of such imprisonment with hard labour, as to the Court, in its discretion, shall seem meet.

Punishment of
felons im-
prisoned under
sentence for
another crime.

XXII. That wherever sentence shall be passed for felony on a person already imprisoned under sentence for another crime, it shall be lawful for the Court to award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced; and where such person shall be already under sentence of imprisonment, the Court may award such sentence for the subsequent offence to commence at the expiration of the imprisonment to which such person shall have been previously sentenced, although the aggregate term of imprisonment may exceed the term for which those punishments could be otherwise awarded.

Exemplary
punishment of
felons who com-
mit felony after
a previous con-
viction provided
for.

XXIII. AND WHEREAS it is expedient to provide for the more exemplary punishment of offenders who commit felony after a previous conviction for felony, whether such previous conviction shall have taken place before or after the commencement of this Act; Be it, &c., That if any person shall be convicted of any felony not punishable with death, committed after a previous conviction for felony, such person shall, on such subsequent conviction, be liable at the discretion of the Court, to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment; and in any indictment for any such felony committed after a previous conviction for felony, it shall be sufficient to state that the offender was at a certain time and place convicted of a felony, without otherwise describing the previous felony; and a certificate containing the substance and effect only (omitting the formal part), of the indictment and conviction for the previous felony, purporting to be signed by the clerk of the Court or other officer having the custody of the records of the Court where the offender was first convicted, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed the name; and if any such clerk, officer, or deputy shall utter a false certificate of any indictment and conviction for a previous felony, or if any person other than such clerk, officer, or deputy shall sign any such certificate as such clerk, officer, or deputy, or shall utter any such certificate, with a false or counterfeit signature thereto, every such offender shall be guilty of felony, and being lawfully convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years; and if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

XXIV. That all offences prosecuted in the Court of Vice-Admiralty Sessions in these islands shall, upon every first and subsequent conviction, be subject to the same punishments, whether of death or otherwise, as if such offences had been committed upon the land.

In case of pardon
by the Crown or
Governor.

XXV. That when the King's Majesty shall be pleased to extend his royal mercy to any offender convicted of any felony punishable with

death or otherwise, and by warrant under his royal sign manual, or the sign manual of the Governor, Lieutenant-Governor, or other officer administering this government in His Majesty's name, shall grant to such offender either a free or conditional pardon, the discharge of such offender out of custody in the case of a free pardon, and the performance of the condition, in the case of a conditional pardon, shall have the effect of a pardon under the Great Seal for such offender, as to the felony for which such pardon shall be so granted: Provided always, that no free pardon, nor any such discharge in consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases aforesaid shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any felony committed after the granting of any such pardon.

Pardon not to affect subsequent convictions for felony.

XXVI. That wherever this or any other statute relating to any offence, whether punishable upon indictment, information, or summary conviction, in describing or referring to the offence, or the subject matter with respect to which it shall be committed, or the offender or the party affected, or intended to be affected by the offence, hath used, or shall use words importing the singular number or the masculine gender only, yet the statute shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individual, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction, and wherever any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body shall be the party aggrieved.

Statute applicable whether expressed in the singular or plural number, and shall, though not expressed, be held to refer to females as well as males, and to bodies corporate as well as to individuals.

XXVII. Suspends part of Declaratory Act, 40 Geo. 3, c. 2.

No. 2.

8 Vic. c. 9. *An Act for amending the Laws relating to the Payment of Expenses attending the Trial of Persons charged with Criminal Offences.* (February 11th, 1845.)

I., II., III., and IV. sections repealed by "The Supreme Court Act, 1896."

V. That it shall be lawful for the Governor or Commander-in-Chief, from time to time to grant warrants upon the Public Treasury for the payment of expenses of the description hereinafter enumerated, upon being satisfied that the services charged for were not only actually performed, and the charges therefore fair and reasonable, but that such services were necessary for the due and proper administration of justice; that is to say, for the conveyance of prisoners charged with or convicted of any criminal offence from one island to another, or from one settlement to another in the same island, for the payment of witnesses proceeding by order of a magistrate from one island to another, or from one settlement to another in the same island, to give evidence in any criminal case summarily adjudicated on by magistrates, or in the preliminary investigation of any criminal charges at and after the rate of one shilling and sixpence per day, for the payment of constables proceeding from one island to another, or from one settlement to another in the same island, in charge of any person or persons accused of a criminal offence, or to enforce the attendance of witnesses or defendants in

Other expenses provided for.

criminal cases at and after the aforesaid rate of one shilling and sixpence per day, and for the expenses attending the conveyance of the said witnesses and constables, as also of any person or persons in the custody of the latter, from their ordinary place of abode to the place where the trial or investigation may take place.

No. 3.

11 Vic. c. 21. *An Act for the better regulation of Trial by Jury.*
(April 19th, 1848.)

PREAMBLE.

WHEREAS, the prosecution of criminal offences by indictment is attended with great uncertainty from the absence of knowledge on the part of grand juries of the particular facts of the different cases which are submitted by bills of indictment for their consideration, and the facility which is thereby afforded to unwilling witnesses to withhold material points of evidence, and the mode of proceeding by such bills of indictment before grand juries is attended with other inconveniences and disadvantages which materially interfere with the due administration of criminal justice, and tend to facilitate the escape of offenders, for remedy whereof, May it, &c., That from and after the commencement of this Act procedure by indictment in criminal cases shall be and the same is hereby abolished: Provided always, nevertheless, that all indictments which may have been found by a grand jury previous to the commencement of this Act, and which shall remain untried at the time of such commencement, shall be proceeded with and tried in the same and the like manner as if this Act had not been passed.

Procedure by indictment abolished.

Examinations and informations taken before justices not intended for summary jurisdiction, to be transmitted to the Attorney-General for prosecution.

II. That all examinations, informations, bailments, and recognizances taken by any justice or justices of the peace for any island or district of this colony relative to any criminal offence whatsoever in which such justice or justices shall not exercise the power of summary adjudication invested in them by any Act or Acts of Assembly, shall whenever such justice or justices have decided on sending the case for trial be returned and delivered by such justice or justices to the office of the Attorney-General at Nassau, who shall proceed against and prosecute the person or persons charged and accused in such examinations and informations or such of them as the Attorney-General may not deem expedient to admit as approvers by information according to the form in the Schedule to this Act annexed marked A.

Attorney-General shall proceed by information in lieu of incidents.

III. That every such information as last aforesaid shall be exhibited in open court by the Attorney-General or some duly qualified counsel authorised by him in that behalf, and shall thereupon be filed as a record in the office of the Clerk of the Crown at Nassau, and the trial of the person or persons charged in every such information shall then proceed in the same and the like manner, and shall be subject in all respects to the same and the like incidents as a trial by indictment after bill of indictment found by a grand jury is now proceeded with and subject to, except so far as the mode of conducting such trial, and the law relative thereto is altered by this Act.

IV. Not now in force.

Interpretations of certain terms in 4 Wm. 4. c. 25.

V. That the word "misdemeanor," as used in the third section of the Act of the fourth year of King William the Fourth, entitled "An Act for improving the administration of criminal justice in these Islands, for suspending certain Acts therein mentioned, and for other purposes," shall be construed to apply to and comprehend all offences below the

degree of felony, for which, previous to the commencement of this Act, an indictment could have been preferred at common law or by statute, either at the instance of the Crown or of a private prosecutor, and it shall be the duty of every justice of the peace within his district to receive informations and take examinations and affidavits in all such cases as aforesaid, and to proceed therein as directed by the said recited section of the said Act.

VI. Repealed.

VII. That from and after the commencement of this Act, it shall not be lawful to summon a grand jury to attend at any criminal court of justice within these islands, but on the day appointed by law for the drawing of jurors to serve in the several courts of law within these islands, as also on any day appointed for drawing juries to serve at any special session of Oyer and Terminer and General Gaol Delivery, the proper officers of such Courts respectively shall, instead of drawing a grand jury as heretofore, proceed at once to draw, or cause to be drawn, the petit jury for the term or session, any law, usage, or custom to the contrary notwithstanding.

The summoning of grand juries to be discontinued.

VIII. That in all criminal cases other than cases in which the penalty of death is affixed by law to the offence, and in all civil cases, the verdict may be found, given, and returned by two-thirds of the jury, empanelled to try the issue or issues joined in any such criminal or civil case, and any verdict so found, given, and returned shall have the same force, validity, and effect as if the same was found, given, and returned by the unanimous voice of such jury, any law, usage, or custom to the contrary notwithstanding.

Two-thirds of jury may find a verdict except in cases where death is the penalty.

SCHEDULE A.

Schedule A.

In the General Court (or Court of Admiralty Sessions, or Special Court of Oyer and Terminer, and General Gaol Delivery, or Court of Criminal Justice, and Common Pleas, as the case may be) Term Victoriae.

Form of information.

BAHAMA ISLANDS,

Be it remembered that A. B., Esq., Attorney-General of our sovereign lady the Queen, for the Bahama Islands, who for our said lady the Queen prosecutes in this behalf in his proper person, comes into the (here insert designation of Court) Court of our said lady the Queen for the Bahama Islands, before (here insert proper description of the judge or judges of the Court) at (here insert insert place where the Court is holden) on , and for our said lady the Queen gives the Court here to understand and be informed that, &c. : so proceeding to state the facts and circumstances constituting the offence, with the same certainty and precision as in an indictment, and in the same form and according to the same rules, excepting that in introducing averments, instead of the words "and the jurors aforesaid upon their oath aforesaid, do further present" the words "and the said Attorney-General of our said lady the Queen, for our said lady the Queen further gives the Court here to understand and be informed that, &c.," must be used and the conclusion to be the same as in an indictment.

No. 4.

12 Vic. c. 19. *An Act for the removal of Defects in the Administration of Criminal Justice.* (April 14th, 1849.)*

Certain amend-
ments may be
made in criminal
informations by
order of the
Court.

IV. AND WHEREAS a failure of justice frequently takes place in criminal trials by reason of variances between writings produced in evidence and the recital or setting forth thereof in the indictment or information, and the same cannot now be amended at the trial, except in cases of misdemeanor; for remedy thereof, be it enacted, that it shall and may be lawful for any Court of Oyer and Terminer and General Gaol Delivery, if such Court shall see fit so to do, to cause the information for any offence whatever, when any variance or variances shall appear between any matter in writing or in print produced in evidence, and the recital or setting forth thereof, in the information whereon the trial is pending, to be forthwith amended in such particular or particulars by some officer of the Court, and after such amendment the trial shall proceed in the same manner in all respects, both with regard to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance or variances had appeared.

No. 5.

15 Vic. c. 3. *An Act for further improving the Administration of Criminal Justice.* (March 25th, 1852.)

PREAMBLE.

WHEREAS offenders frequently escape conviction on their trials by reason of the technical strictness of criminal proceedings in matters not material to the merits of the case; and whereas such technical strictness may safely be relaxed, in many instances, so as to insure the punishment of the guilty, without depriving the accused of any just means of defence; and whereas a failure of justice often takes place on the trial of persons charged with felony and misdemeanor by reason of variances between the statement in the information on which the trial is had and the proof of names, dates, matters, and circumstances therein mentioned, not material to the merits of the case, and by the misstatement whereof the person on trial cannot have been prejudiced in his defence; May it, &c.

The Court may
amend certain
variances not
material to the
merits of the
case, and by
which the de-
fendant cannot
be prejudiced in
his defence, and
may either pro-
ceed with or
postpone the
trial, to be had
before the same
or another jury.

I. From and after the coming of this Act into operation, whenever on the trial of any information for any felony or misdemeanor there shall appear to be any variance between the statement in such information and the evidence offered in proof thereof, in the name of any island, parish, township, or place mentioned or described in any such information, or in the name or description of any person or persons, or body politic or corporate, therein stated or alleged to be the owner or owners of any property, real or personal, which shall form the subject of any offence charged therein, or in the name or description of any person or persons, body politic or corporate, therein stated or alleged to be injured or damaged, or intended to be injured or damaged by the commission of such offence, or in the Christian name or surname, or both Christian name and surname, or other description whatsoever of any person or persons whomsoever therein named or described, or in the name or description of any matter or thing whatsoever therein

* This Act, with the exception of the fourth clause, is repealed by 28 Vic. c. 29.

named or described, or in the ownership of any property named or described therein, it shall and may be lawful for the Court before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence on such merits, to order such information to be amended, according to the proof, by some officer of the Court, or other person, both in that part of the information where such variance occurs and in every other part of the information which it may become necessary to amend, on such terms, as to postponing the trial to be had before the same or another jury, as such Court shall think reasonable; and after any such amendment the trial shall proceed whenever the same shall be proceeded with in the same manner in all respects, and with the same consequences, both with respect to the liability of witnesses to be prosecuted for perjury and otherwise, as if no such variance had occurred, and the order for the amendment shall either be indorsed on the information, or shall be engrossed on a separate piece of paper, and filed together with the information among the records of the Court. Provided, that in all such cases where the trial shall be so postponed, as aforesaid, it shall be lawful for such Court to respite the recognizances of the prosecutor and witnesses, and of the defendant, and his surety or sureties, if any, accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence respectively, and the defendant shall be bound to attend to be tried at the time and place to which such trial shall be postponed, without entering into any fresh recognizances for that purpose, in such and the same manner as if they were originally bound by their recognizances to appear and prosecute or give evidence at the time and place to which such trial shall have been so postponed. Provided also, that where any such trial shall be to be had before another jury, the Crown and the defendant shall respectively be entitled to the same challenges as they were respectively entitled before the first jury were sworn.

Proviso 1 relative to cases where trial may have been postponed.

Proviso 2 respecting challenges.

II. Every verdict and judgment which shall be given after the making of an amendment under the provisions of this Act shall be of the same force and effect in all respects as if the information had originally been in the same form in which it was after such amendment was made.

Effect of verdict after amendment.

III. If it shall become necessary at any time, for any purpose whatsoever, to draw up a formal record in any case where any amendment shall have been made under the provisions of this Act, such record shall be drawn up in the form in which the information was after such amendment was made, without taking any notice of the fact of such amendment having been made.

Form of drawing up record where amendments have been made on informations.

IV. Repealed by 28 Vic. c. 29.

V. In any information for forging, uttering, stealing, embezzling, destroying or concealing, or for obtaining by false pretences any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac simile thereof, or otherwise describing the same, or the value thereof.

In cases of forging, uttering, stealing, &c., &c.

VI. In any information for engraving, or making the whole or any part of any instrument, matter, or thing whatsoever, or for using or having the unlawful possession of any plate or other material upon which the whole or any part of any instrument, matter, or thing whatsoever, shall have been engraved or made, or for having the unlawful possession of any paper upon which the whole or any part of any instrument, matter, or thing whatsoever, shall have been made or printed, it shall be sufficient to describe such instrument, matter, or thing by any name or designation by which the same may be usually known, without setting out any copy or fac simile of the whole or any part of such instrument, matter, or thing.

Mode of proceeding in informations for engraving, &c.

Mode of describing instruments.

VII. In all other cases wherever it shall be necessary to make any averment in any information as to any instrument, whether the same consist wholly or in part of writing, print, or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac simile of the whole, or any part thereof.

In any information for forging, &c., &c., sufficient to state that the defendant did so with intent to defraud.

VIII. From and after the coming of this Act into operation, it shall be sufficient in any information for forging, uttering, offering, disposing of, or putting off any instrument whatsoever, or for obtaining or attempting to obtain any property by false pretences, to allege that the defendant did the act with intent to defraud, without alleging the intent of the defendant to be to defraud any particular person; and on the trial of any of the offences in this section mentioned, it shall not be necessary to prove an intent on the part of the defendant to defraud any particular person, but it shall be sufficient to prove that the defendant did the act charged with an intent to defraud.

Jury may by their verdict discriminate between the commission of an offence and the attempt to commit an offence.

IX. AND WHEREAS offenders often escape conviction by reason that such persons ought to have been charged with attempting to commit offences, and not with the actual commission thereof; for remedy thereof be it enacted, That, if on the trial of any person charged with any felony or misdemeanor, it shall appear to the jury upon the evidence that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return, as their verdict, that the defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to commit the same; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an information for attempting to commit the particular felony or misdemeanor charged in the said information: and no person so tried, as herein lastly mentioned shall be liable to be afterwards prosecuted for an attempt to commit the felony or misdemeanor for which he was so tried.

X. Repealed by 28 Vic. c. 29.

Persons indicted for a misdemeanor who may appear by evidence to have committed a felony, not entitled to acquittal of such misdemeanor, but rendered liable for such felony.

XI. If upon the trial of any person for any misdemeanor, it shall appear that the facts given in evidence amount in law to a felony, such person shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for felony on the same facts, unless the Court before which such trial may be had, shall think fit in its discretion to discharge the jury from giving any verdict upon such trial, and to direct such person to be prosecuted for felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor.

XII. to XVI. inclusive. Repealed by 28 Vic. c. 29.

Mode of describing money in information.

XVII. In every information in which it shall be necessary to make any averment as to any money, or any note of the Bank of England, or any other bank, it shall be sufficient to describe such money or bank-note simply as money, without specifying any particular coin or bank-note; and such allegation, so far as regards the description of the property, shall be sustained by proof of any amount of coin, or of any bank-note, although the particular species of coin of which such amount was composed or the particular nature of the bank-note shall not be proved; and in cases of embezzlement, and obtaining money or bank-notes by false pretences, by proof that the offender embezzled or obtained any piece of coin, or any bank-note, or any portion of the value thereof, although such piece of coin or bank-note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to any other person, and such part shall have been returned accordingly.

XVIII. to XX. inclusive. Repealed by 28 Vic. c. 29.

XXI. No information for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace;" nor for the insertion of the words "against the form of the statute," instead of "against the form of the statutes," or *vice versa*; nor for that any person mentioned in the information is designated by a name of office, or other descriptive appellation instead of his proper name; nor for omitting to state the time at which the offence was committed, in any case where time is not the essence of the offence; nor for stating the time imperfectly; nor for stating the offence to have been committed on a day subsequent to the filing of the information, or on an impossible day, or on a day that never happened; nor for want of a proper or perfect venue; nor for want of a proper or formal conclusion; nor for want of or imperfection in the addition of any defendant; nor for want of the statement of the value or price of any matter or thing, or the amount of damage, injury, or spoil, in any case where the value or price, or the amount of damage, injury or spoil is not the essence of the offence; nor for any variance between the offence charged in such information, and the offence for which the accused was committed, or held to bail; nor for any variance from the form prescribed by the Act of Assembly passed in the eleventh year of her present Majesty's reign for the better regulation of "Trial by Jury."

Informations for offences not to be held insufficient for want of certain technical expressions.

XXII. Every objection to any information for any formal defect apparent on the face thereof shall be taken by demurrer, or motion to quash such information, before the jury shall be sworn, and not afterwards; and every Court before which any such objection shall be taken for any formal defect may, if it be thought necessary, cause the information to be forthwith amended in such particular by some officer of the Court, or other person, and thereupon the trial shall proceed as if no such defect had appeared.

Mode of taking objections to informations.

XXIII. No person prosecuted shall be entitled to traverse or postpone the trial of any information exhibited against him at any session of Oyer and Terminer, or session of Gaol Delivery: Provided always, that if the Court, upon the application of the person so prosecuted, shall be of opinion that he ought to be allowed a further time, either to prepare for his defence or otherwise, such Court may adjourn the trial of such person to the next subsequent session, upon such terms as to bail or otherwise as to such Court shall seem meet, and may respite the recognizances of the prosecutor and witnesses accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent session without entering into any fresh recognizances for that purpose.

Party accused not to have right to traverse or postpone trial. Proviso.

XXIV. In any plea of autrefois convict, or autrefois acquit, it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the said offence charged in the information.

Mode of pleading a previous conviction or acquittal.

XXV. to XXIX. Sections repealed by 28 Vic. c. 29.

XXX. See Part III., Class V., No. 1.

XXXI. If upon the trial of any information for any felony, except murder or manslaughter, where the information shall allege that the defendant did cut, stab, or wound any person, the jury shall be satisfied that the defendant is guilty of the cutting, stabbing, or wounding charged in such information, but are not satisfied that the defendant is guilty of the felony charged in such information, then, and in every such case the jury may acquit the defendant of such felony, and find him guilty of unlawfully cutting, stabbing, or wounding, and thereupon such defendant shall be liable to be punished in the same manner as if

On trial for any felony except murder or manslaughter where wounding is alleged jury may convict for minor offence.

Time defined for inquiries relative to previous convictions.

he had been convicted upon an information for the misdemeanor of cutting, stabbing, or wounding.

XXXII. And whereas provision is made by law in certain cases for the more exemplary punishment of persons who shall commit certain offences after one or more previous conviction or convictions for the like or other offences, and it is expedient to define the time of charging the jury to inquire as to such previous conviction or convictions; Be it enacted, That it shall not be lawful on the trial of any person for any subsequent offence, where a plea of not guilty shall have been entered on his behalf, to charge the jury to inquire concerning any previous conviction until they shall have inquired concerning such subsequent offence, and shall have found such person guilty of the same; and whenever in any information any previous conviction shall be stated, the reading of such statement shall be deferred until after such finding as aforesaid. Provided, that if, upon the trial of any person for any such subsequent offence as aforesaid such person shall give evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall have been returned, and the jury shall inquire concerning such previous conviction or convictions, at the same time that they inquire concerning such subsequent offence.

Any person may apprehend and convey to some constable persons offending against the provisions of this or any other Act of Assembly.

XXXIII. It shall be lawful for any person whomsoever to apprehend any person who shall be found committing any offence against the provisions of this or any other Act of the General Assembly of these islands, or other indictable offence, and to convey him, or deliver him to some constable, or other peace officer, in order to his being conveyed, as soon as conveniently may be, before a justice of the peace, to be dealt with according to law.

Protection to persons authorised to apprehend offenders.

XXXIV. If any person liable to be apprehended under the provisions of this or any other Act shall assault or offer any violence to any person by law authorised to apprehend or detain him, or to any person acting in his aid and assistance, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years.

Period at which night shall commence defined.

XXXV. The time at which the night shall commence and conclude in any offence against the provisions of this Act shall be the same as in cases of burglary.

Power of the Court to punish by imprisonment and hard labour.

XXXVI. Whenever any person shall be convicted of any one of the offences following as a misdemeanor—that is to say, any cheat or fraud punishable at common law; any conspiracy to cheat or defraud, or to extort money or goods, or falsely to accuse of any crime, or to obstruct, prevent, pervert, or defeat the course of public justice; any escape or rescue from lawful custody on a criminal charge; any public and indecent exposure of the person; *any indecent assault, or any assault occasioning actual bodily harm; any attempt to have carnal knowledge of a girl under twelve years of age;* any public selling or exposing for public sale or to public view of any obscene book, print, picture, or other indecent exhibition; it shall be lawful for the Court to sentence the offender to be imprisoned for any term now warranted by law, and also to be kept to hard labour during the whole or any part of such term of imprisonment.*

XXXVII. Repealed.

XXXVIII. Repealed by "The Supreme Court Act, 1896."

Construction of certain terms.

XXXIX. In the construction of this or any other Act relative to criminal proceedings, the word "information" shall be understood to

* So much of the section as is printed in italics is repealed by 28 Vic. c. 29.

include "inquisition," and also any "plea," "replication," or other pleading, unless the contrary shall appear to have been intended; and the words "indictable offence" shall be understood to mean any offence which can be tried in a Superior Court of Criminal Jurisdiction; and wherever in this or any other Act as aforesaid in describing or referring to any person or party, matter, or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and shall be applied to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing; and the word "property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed.

XL. and XLI. inoperative.

No. 6.

17 Vic. c. 14. *An Act for further improving the Administration of Criminal Justice.* (March 10th, 1854.)

I. That whenever it shall appear to the Attorney-General from any information or examinations returned to his office by any justice of the peace, that there are reasonable grounds to believe that any person, other than the person or persons accused in such informations, or examinations, is a principal in, or accessory to, the offence therein charged, or whenever it shall otherwise appear to that officer that there is reasonable ground for believing that an offence cognizable in any one of the Superior Courts of Criminal Justice in the colony has been committed by any person, it shall be lawful for him, if he thinks fit so to do, by a writing under his hand, to require any justice of the peace having jurisdiction in the matter; to inquire into the case and thereupon it shall be the duty of such justice to investigate the case, in the same and the like manner as if a charge under oath had been made before him.

Attorney-General invested with power to require justice of the peace to inquire into the commission of any offence.

II. That in every case in which a justice or justices of the peace shall discharge a party accused before him or them, of an offence cognizable in a Superior Court of Criminal Justice, or shall otherwise dismiss the information or charge against such person, it shall be lawful for the party who preferred the accusation, or at whose instance the investigation of the charge had been entered into, or for the Attorney-General, or any other officer acting for and in behalf of the Crown, to require the justice or justices before whom such charge had been heard to transmit the information and all other evidence taken in the case to the office of the Attorney-General at Nassau; and it shall be the duty of the justice or justices forthwith to comply with such requisition. And if the Attorney-General on perusing and considering the evidence so transmitted to him shall be of opinion that the justice or justices ought not to have discharged the accused party, or otherwise dismissed the information, as the case may be, it shall be lawful for such Attorney-General, or for any counsel duly authorised in his behalf, to apply to the Chief Justice of the said islands or other judge of any such superior court for a warrant for the arrest and committal for trial of the accused party; and if such Chief Justice or other judge shall be of opinion that the evidence as given before the justice or justices was sufficient to

Where charge dismissed by justice, Attorney-General may require him to transmit the information and all other evidence to the Attorney-General's office.

Attorney-General upon considering the evidence, may apply to judge of superior court for a warrant to arrest and commit the accused.

Judge may commit the accused for trial.

Definition of the words "Attorney-General."

place the accused on his trial, it shall be lawful for him to issue his warrant for the arrest of the party accused, and for his committal to the prison at Nassau, there to be kept until discharged by due course of law, and every person so proceeded against shall be further prosecuted in the same and the like manner as if he had been committed for trial by the justice or justices before whom the information or charge was originally laid.

III. That the words "Attorney-General" as used in this or any other Act of the General Assembly of these islands shall be construed to mean the officer lawfully discharging the duties of the office of Attorney-General.

No. 7.

18 Vic. c. 14. *An Act to amend an Act entitled "An Act for the better regulation of Trial by Jury."* (March 22nd, 1855.)

Duty of the Clerk of the Crown on receipt from any coroner of any inquisitions whereby any person is charged with murder or manslaughter, or as an accessory to murder before the fact.

I. That whenever any coroner shall return to the office of the Clerk of the Crown any inquisition before him taken, whereby any person shall be charged with murder or manslaughter, or as an accessory to murder before the fact, the said Clerk of the Crown shall forthwith deliver the inquisition, and other papers returned therewith to his office, to the Attorney-General, and it shall be lawful for the said Attorney-General, should he deem it expedient so to do, to proceed against and prosecute the person or persons charged in such inquisition by information in the same and the like manner, in all respects as to the said Attorney-General is, by the Act to which this Act is an amendment, authorised and empowered to proceed against and prosecute persons charged before justices of the peace with criminal offences, and by such justices committed for trial; and all and singular the provisions of the said Act of the eleventh year of Her Majesty's reign, except as altered by this Act, shall extend and apply to proceedings under this section.

Unanimity on the part of a jury only requisite in cases of verdict to which the penalty of death is affixed.

II. WHEREAS, in and by the eighth section of the Act to which this Act is an amendment, it is enacted that in all criminal cases other than cases in which the penalty of death is affixed by law to the offence, and in all civil cases the verdict may be found, given, and returned by two-thirds of the jury empanelled to try the issue or issues joined in any such criminal or civil case; AND WHEREAS the principle established by the said section of dispensing with the unanimity of juries has proved most beneficial, and it is expedient still further to extend such principle: Be it enacted, That unanimity on the part of a jury as to the verdict to be by them returned shall only be required when such verdict is a verdict of guilty of an offence to which the penalty of death is affixed by law, and that upon the trial of any person charged with a capital offence, a verdict of guilty of a minor offence or of total acquittal may be found, given, and returned by two-thirds of the jury empanelled to try the case, anything in the said recited Act to the contrary notwithstanding.

9th section of recited Act repealed.

III. That the ninth section of the said recited Act shall be and the same is hereby repealed.

No. 8.

27 Vic. c. 11. *An Act for providing for the Safe Custody of certain Criminal Offenders.* (Assented to 25th April, 1864.)

I. That whenever any person who may have been convicted of any offence punishable with penal servitude, or by imprisonment with hard labour, shall at the time of his conviction or at any time during the period for which he may be sentenced to penal servitude or imprisonment, with hard labour, be or become ill of any disease which would render his continuance in the Nassau Prison either dangerous to his own life, or any disease of a character likely to prove contagious or infectious, or which would otherwise render his continuance in the prison prejudicial to the other inmates; or whenever any convict, whatever the nature of his offence may be, shall after his conviction become or be found to be insane, it shall be the duty of the physician to the prison to make a special report to the Governor of the circumstances of the case, and thereupon it shall be lawful for the Governor, by an order under his Seal at Arms, to direct the removal of the prisoner named in the said report to the Public Asylum, there to remain for the residue of the term of his sentence, or until he shall be reported by the Physician of the Asylum in a fit state to return to prison, to undergo the residue of his sentence.

Provides for any criminal with disease of an infectious character being removed from prison to the New Providence Asylum.

II. That in all cases where it shall be given in evidence upon the trial of any person charged with felony or misdemeanor that such person was insane at the time of the commission of such offence, and such person shall be acquitted, the jury shall be required to find specially whether such person was insane at the time of the commission of such offence, and to declare whether such person was acquitted by them on account of such insanity; and if they shall find that such person was insane at the time of the committing such offence the Court before whom such trial shall be had shall order such person to be conveyed to such place as may at the time of the conviction be used as a public lunatic asylum, or place for the reception of lunatics, there to be kept until discharged by order of the Governor in Council.

Insane persons convicted of offences shall be sent to lunatic asylum.

III. That if any person charged with any offence shall be insane, and shall upon arraignment be found so to be by a jury lawfully impannelled for that purpose; or if upon the trial of any person so charged such person shall appear to the jury to be insane, it shall be lawful for the Court before whom any such person shall be brought to be arraigned or tried as aforesaid, to direct such finding to be recorded, and thereupon to order the party to be conveyed to any place which may at the time be used as a public lunatic asylum, or place for the reception of lunatics, there to be kept until discharged by order of the Governor in Council; and if any person charged with any offence shall be brought before any Court to be discharged for want of prosecution, and such person shall appear to be insane, it shall be lawful for the Court to order a jury to be impannelled to try the sanity of such person; and if the jury so impannelled shall find such person to be insane, it shall be lawful for the Court to order such person to be conveyed to any place which may at the time be used as a public lunatic asylum, or place for the reception of lunatics, there to be kept until discharged by order of the Governor in Council.

A person charged with any offence and found upon arraignment or during trial to be insane, may be sent by the Court to lunatic asylum.

IV. That whenever any convict shall be sent to the Asylum under the provisions of this Act, it shall be lawful for the commissioners and officers of the Asylum to exercise all and singular the same and the like powers and authorities for the restraint and punishment of such convict as can by law be exercised by or are vested in the Prison Committee and officers of the Nassau Prison, or any or either of them.

Commissioners of Asylum have same powers over lunatics who are criminals as Prison Committee.

Governor to order execution of this Act.

Payment of expenses incurred under this Act, how defrayed.

Protection of persons acting under this Act.

V. That it shall be lawful for the Governor, from time to time, to issue all necessary orders for carrying this Act into execution.

VI. That all expenses incurred under this Act for adapting the Asylum, or any portion of it, for the reception and proper confinement of convicts sent there under the first section of this Act, and all other necessary expenditure in carrying this Act into execution, shall from time to time be defrayed out of the Public Treasury by warrant of the Governor in Council.

VII. That all persons acting under this Act shall have the same and the like protection, in all respects as is given to justices of the peace under the Acts of Assembly, 12 Vic. c. 7, and 21 Vic. c. 12.*

No. 9.

38 Vic. c. 7. *An Act for amending the Law relating to the administration of Criminal Justice.* (Assented to 17th March, 1875.)

I., II., III., and IV. Sections. Repealed by "The Magistrates Act, 1896."

Appropriation money taken from a prisoner.

V. Whenever any prisoner shall be convicted, either summarily or otherwise of larceny or other offence, which includes the stealing of any property, and it shall appear to the Court by the evidence that the prisoner had sold the stolen property to any person, and that such person has had no knowledge that the same was stolen, and that any monies have been taken from the prisoner on his apprehension, it shall be lawful for the Court on the application of such purchaser, and on the restitution of the stolen property to the prosecutor, to order that out of such monies a sum not exceeding the amount of the proceeds of the said sale be delivered to the said purchaser.

Act declared to be in force.

VI. The Act of Parliament 33 and 34 Victoria, chapter 23, shall be and the same is hereby declared to be in force in this colony in the same and the like manner as if the said Statute contained words expressly extending its operations to the Bahama Islands, and all the powers and authorities therein and thereby vested in the Crown, shall and may be lawfully exercised by the Governor of the colony for the time being.

VII. Repealed by "The Magistrates Act, 1896."

Commencement and name of Act.

VIII. This Act shall commence and take effect on the first day of June A.D. 1875, and may for all purposes be cited as "The Criminal Procedure Amendment Act, 1875."

No. 10.

59 Vic. c. 26. *"Supreme Court Act, 1896."*

Witnesses' costs in Magistrates' Court.

LXIV. It shall be lawful for the presiding Judge on the trial of any information by order to allow the witnesses' costs in the Magistrates' Court of any person who has been bound over in recognizance to appear and prosecute or give evidence before the Court.

Cost of witnesses from out-islands.

LXV. Every witness appearing at the sessions on recognizance or in obedience to any writ or subpoena issued by the Attorney-General shall,

* See 51 Vic. c. 5, *post*.

if resident in any out-island of the Colony, be entitled to a reasonable sum of money to pay his passage to and from Nassau together with reasonable compensation for his trouble and loss of time while necessarily absent from his place of residence.

LXVI. No allowances for witnesses' costs shall be paid in criminal proceedings except on the certificate of the presiding Judge and of the Attorney-General approving such allowance. Certificate.

LXVII. All witnesses' costs when allowed shall be paid in civil proceedings by the party on whose behalf the witness is called, and shall be recovered as ordinary costs of suit if the Court so directs, and in criminal proceedings shall be paid out of the Public Treasury by warrant of the Governor as heretofore. How paid.

No. 11.

60 Vic. c. 9. *An Act to authorize the payment of certain expenses in connection with the due administration of Justice.* (Assented to 14th April, 1897.)

I. This Act may be cited for all purposes as "The Administration of Justice Expenses Act, 1897." Title of Act.

II. Whenever in the opinion of the Attorney-General it may be necessary in furtherance of the ends of justice, to incur any expense in the employment of professional men, or in payment of rewards, or otherwise, it shall be lawful for the Governor in Council by Warrant in the usual manner to direct the payment out of the Public Treasury of all expenses incurred for any of the purposes aforesaid. Expenses in connection with the due administration of justice authorized.

CLASS IV.

SUPREME COURT : COMMON LAW AND EQUITY SIDES.

No. 1.

45 Geo. 3, c. 21. *An Act to consolidate and bring into one Act the several Laws for establishing and regulating the General Court of the said Islands; to extend the Powers and Authorities of the Justices of the said Court in some respects; and to suspend the several Acts, and Sections of an Act therein mentioned, and for other purposes.* (April 5th, 1805.)

(The following are the only sections of this Act now in force, the others having been repealed by various Acts, especially by "The Supreme Court Act, 1896.")

XX. That all exemplifications of records, and all deeds, and bonds, or other specialties, all letters of attorney, procurations, or other powers in writing, and all testimonials, which shall at any time hereafter be produced in the General Court of these islands, and shall be attested to have been proved, upon oath, under the Corporation Seal of the Lord Mayor of London, or of any other mayor or chief officer of any city, borough, or town corporate in His Majesty's dominions, or under the hand of the Governor, and public seal of any of His Majesty's planta- Bonds, letters of attorney, &c., are to be admitted as evidence in the General Court, when attested under Corporate Seal of Lord Mayor of London, &c.

Interest allowed
upon judgments

tions in America, shall be deemed and adjudged good and sufficient in law, in the aforesaid Court, as if the witnesses to such deeds were produced and proved the same *viva voce*.

XXI. That upon the amount of all judgments, which were given and obtained before the first day of January, which was in the year of our Lord one thousand eight hundred and two, and now remain unsatisfied, interest shall be allowed at the rate of eight pounds for each hundred pounds by the year; and upon the amount of all judgments given and obtained upon, or since the said first day of January, or hereafter to be obtained and given, interest shall be allowed at and after the rate of six pounds for each hundred pounds by the year, from and after the day on which such judgments were or shall be actually signed; and that the Provost Marshal of the said islands, under any execution issued from the aforesaid General Court, shall and lawfully may levy, take, and receive (besides the debt or damages and costs) the interest hereby given, and the costs and charges of the renewal or renewals of execution, any law, usage, or custom to the contrary thereof, in anywise notwithstanding.

No. 2.

8 Vic. c. 23. *An Act for abolishing arrest on Mesne Process in Civil Cases, except in certain instances, and for extending the remedies of Creditors against the property of Debtors.* (4th April, 1845.)

I. to XI. inclusive have been repealed by various Acts, especially by 35 Vic. c. 5.

Provost Marshal,
in virtue of writs
of execution,
may seize—

1. Money.
2. Cheques.
3. Bills of Exchange.
4. Promissory notes.
5. Bonds.
6. Specialties.
7. Other Securities for money.

XII. That by virtue of any writ of *fiери facias* to be sued out of the aforesaid General or Superior Court after the time appointed for the commencement of this Act, the Provost Marshal, or other officer having the execution thereof, may, and shall seize, and take any money and any cheque, bills of exchange, promissory notes, bonds, specialties, or other securities for money, belonging to the person against whose effects such writ of *fiери facias* shall be sued out, and may, and shall pay to the party suing out such execution, any money which shall be so seized, or a sufficient part thereof, and may, and shall hold any such cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money as a security or securities for the amount by such writ of *fiери facias* directed to be levied and raised, and may sue in the name of such Provost Marshal or other officer, for the recovery of the sum or sums secured thereby, if and when the time of payment thereof shall have arrived; and that the payment to such Provost Marshal or other officer, by the party liable on any such cheque, bill of exchange, promissory note, bond, specialty, or other security, with or without suit, or the recovery and levying execution against the party so liable, shall discharge such party to the extent of such payment or of such recovery, and levy in execution, as the case may be, from his liability on any such cheque, bill of exchange, promissory note, bond, or other security, and such Provost Marshal or other officer may, and shall pay over to the party suing out such writ the money so recovered, or such part thereof as shall be sufficient to discharge the amount by such writ directed to be levied, and if after satisfaction of the amount so to be levied, together with Marshal's poundage and expenses, any surplus shall remain in the hands of the Provost Marshal or other officer, the same shall be paid to the party against whom such writ shall be so issued: Provided, That no such Provost Marshal or other officer shall be bound to sue any party

liable upon any such cheque, bill of exchange, promissory note, bond, specialty, or other security, unless the party suing out such execution shall enter into a bond, with two sufficient sureties, for indemnifying him from all costs and expenses to be incurred in the prosecution of such action, or to which he may become liable in consequence thereof, the expense of such bond to be deducted out of any money to be recovered in such action.

XIII. That if any person against whom any judgment or judgments shall have been entered up in the aforesaid General or Superior Court, shall have any monies deposited in the Public Treasury, or in the Public Bank, on interest, or otherwise standing in his name in his own right, or in the name of any person in trust for him, or shall be entitled to receive any annual, or other allowance, payable out of the said Public Treasury, it shall be lawful for any judge of the aforesaid General Court, or the Judge of the aforesaid Superior Court, as the case may be, on the application of any judgment creditor, to order that such monies, or such annual or other allowance, or such part thereof as such judge shall think fit, shall stand charged with the judgment debts of the said person, and such order shall entitle the judgment creditor or creditors to all such remedies as they or he would have been entitled to if such charge had been made in their or his favour by the judgment debtor.

Monies in the Public Treasury or Public Bank on interest or otherwise available for the liquidation of judgment debts.

XIV. And in order to prevent any person against whom judgment shall have been obtained from transferring, receiving or disposing of any monies or allowances hereby authorised to be charged for the benefit of the judgment creditors or creditor, under an order of a judge, be it further enacted that every order of a judge charging any such monies or allowances under this Act, shall be made in the first instance *ex parte* and without any notice to the judgment debtor, and shall be an order to show cause only; and such order shall restrain the Receiver-General and Treasurer, or Cashier of the Bank, or other proper officer, as the case may be, from paying any such monies, or any interest due thereon, or any such allowance to such judgment creditor, or any one claiming under such judgment creditor in the meantime, and until such order shall be made absolute or discharged, and that if, after notice of such order, such Receiver-General, and Treasurer or Cashier or other officers as aforesaid, shall make any such payment, then and in such case such Receiver-General, and Treasurer, or Cashier or other officer as the case may be, shall be liable to the judgment creditors or creditor for the value or amount so charged, and so paid, or such part thereof as may be sufficient to satisfy the judgment or judgments in respect of which such charge was made, and that no disposition of the judgment debtor in the meantime shall be effectual as against the judgment creditor or creditors, and further, that unless the judgment debtor shall within a time to be mentioned in such order, show to the Court in which such judgment or judgments have been recovered sufficient cause to the contrary, the said order shall, after proof of notice thereof to the judgment debtor, his attorney or agent, be made absolute; Provided, that such Court, upon the application of the judgment debtor or any person interested, shall have full power to discharge or vary such order, and to award such costs upon such application as may be thought fit.

Effect of a judge's order on the Treasury of the colony, the Cashier of the Bank or other officer.

XV. Repealed by "The Supreme Court Act, 1896."

XVI. Repealed by 36 Vic. c. 9.

XVII. That in all cases where it shall be made to appear, to the satisfaction of either of the Courts aforesaid, or of any judge thereof, that there is reason to suspect and believe that property of any judgment debtor is concealed in any house, premises, or other places not belonging to such debtor, such Court or judge is hereby directed

Search warrants in certain cases for discovery of concealed property authorised.

and authorised to grant a search warrant to the Provost Marshal or other proper officer, to execute such warrant according to the tenour thereof, and such marshal or other officer shall be entitled to the same protection as is allowed by law in execution of a search warrant for property reputed to be stolen or concealed.

XVIII. Repealed by "The Supreme Court Act, 1896."

No. 3.

18 Vic. c. 10. *An Act further to amend the Process, Practice, and Mode of Pleading in the General Court of the Bahama Islands.*
(March 9th, 1855.)

Not competent for a party producing a witness to impeach his credit by general evidence of bad character, but he may show instances of previous statements inconsistent with present testimony.

When on cross-examination a witness does not admit he made statements inconsistent with present testimony, evidence may be adduced of the fact.

Witness may be cross-examined as to previous statements in writing, without such writing being shown to him.

Proviso authorising the judge to require the production of the writing.

A witness may be questioned as to whether he has been convicted of any felony or misdemeanor.

Unnecessary to prove any instrument by attesting witness.

XXX. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but he may, in case the witness shall, in the opinion of the judge, prove adverse, contradict him by other evidence, or by leave of the judge prove that he has made at other times a statement inconsistent with his present testimony; but before such last-mentioned proof can be given, the circumstances of the supposed statement sufficient to designate the particular occasion must be mentioned to the witness, and he must be asked whether or not he has made such statement.

XXXI. If a witness upon cross-examination as to a former statement made by him relative to the subject matter of the cause, and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given that he did in fact make it; but before such proof can be given, the circumstances of the supposed statement sufficient to designate the particular occasion must be mentioned to the witness, and he must be asked whether or not he has made such statement.

XXXII. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing, relative to the subject matter of the clause, without such writing being shown to him; but if it is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him: Provided always, that it shall be competent for the judge, at any time during the trial, to require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial, as he shall think fit.

XXXIII. A witness in any cause may be questioned as to whether he has been convicted of any felony, or misdemeanor, and on being so questioned, if he either denies the fact or refuses to answer, it shall be lawful for the opposite party to prove such conviction; and a certificate containing the substance and effect only (omitting the former part) of the indictment and conviction for such offence, purporting to be signed by the Clerk of the Court, or other officer having the custody of the records of the Court where the offender was convicted, or by the deputy of such Clerk or officer (for which certificate a fee of five shillings and no more shall be demanded or taken) shall upon proof of the identity of the person, be sufficient evidence of the said conviction, without proof of the signature or official character of the person appearing to have signed the same.

XXXIV. It shall not be necessary to prove by the attesting witness any instrument to the validity of which attestation is not requisite, and

such instrument may be proved by admission, or otherwise, as if there had been no attesting witness thereto.

XXXV. Comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine shall be permitted to be made by witnesses, and such writings, and the evidence of witnesses respecting the same may be submitted to the Court and jury as evidence of the genuineness, or otherwise, of the writing in dispute.

Comparison of
disputed writing
with writing
proved per-
mitted.

No. 4.

21 Vic. c. 23. *An Act to amend the Laws regulating the Process, Practice, and Mode of Pleading in the General Court of these Islands, and for other purposes.* (April 20th, 1858.)

I., II., III. and IV. Repealed by "The Supreme Court Act, 1896."

V. That in addition to the right now by law vested in the Provost Marshal or other officer executing a writ of *fiery facias* of levying on and selling the lands and tenements of the person against whose property such writ is sued out, such Provost Marshal may, and shall, if required so to do, levy on and sell, in the manner hereinafter provided for, any equity of redemption or other equitable estate which such person shall be entitled to, in any real property within the colony.

Provost Marshal
authorised to sell
equity of redemp-
tion or other
equitable estate
in cases specified.

VI. and VII. Repealed by "The Supreme Court Act, 1896."

No. 5.

40 Vic. c. 4. *An Act to amend the Law as to the Custody of Infants.* (Assented to 27th March, 1877.)

I. From and after the passing of this Act it shall be lawful for the General Court, on its Equity side, upon hearing the petition by her next friend of the mother of any infant or infants under sixteen years of age, to order that the Petitioner shall have access to such infant or infants at such times, and subject to such regulations as the Court shall deem proper, or to order that such infant or infants shall be delivered to the mother and remain in or under her custody or control, or shall, if already in her custody, or under her control, remain therein until such infant or infants shall attain such age not exceeding sixteen, as the Court shall direct, and further to order that such custody or control shall be subject to such regulations as regards access by the father or guardian of such infant or infants, and otherwise as the said Court shall deem proper.

General Court
on its equity side
may order in-
fants to the con-
trol of their
mothers.

II. No agreement contained in any separation deed made between the father and mother of an infant or infants shall be held to be invalid by reason only of its providing that the father of such an infant or infants shall give up the custody or control thereof to the mother. *Provided always*, that no Court shall enforce any such agreement if the Court shall be of opinion that it will not be for the benefit of the infant or infants to give effect thereto.

Separation deed
not invalid be-
cause father had
to give up cus-
tody of infant.

III. The Act of the tenth Victoria, chapter thirty-four, entitled "An Act to amend the Law relating to the custody of Infants," shall be and is hereby repealed.

Repeal.

No. 6.

60 Vic. c. 17. *An Act to amend the Law relating to the Guardianship and Custody of Infants.* (Assented to 20th May, 1897.)

Title of Act.

I. This Act may be cited as "The Guardianship of Infants Act, 1897."

On death of father, mother to be guardian alone or jointly with others.

II. On the death of the father of an infant, and in case the father shall have died prior to the passing of this Act, then from and after the passing of this Act, the mother, if surviving, shall be the guardian of such infant, either alone when no guardian has been appointed by the father, or jointly with any guardian appointed by the father. When no guardian has been appointed by the father, or if the guardian or guardians appointed by the father is or are dead, or refuses or refuse to act, the Court may, if it shall think fit, from time to time appoint a guardian or guardians to act jointly with the mother.

Mother may appoint guardian in certain cases.

III. (1.) The mother of any infant may by deed or will appoint any person or persons to be guardian or guardians of such infant after the death of herself and the father of such infant (if such infant be then unmarried) and where guardians are appointed by both parents they shall act jointly.

(2.) The mother of any infant may by deed or will provisionally nominate some fit person or persons to act as guardian or guardians of such infant after her death jointly with the father of such infant, and the Court, after her death, if it be shown to the satisfaction of the Court that the father is for any reason unfitted to be the sole guardian of his children, may confirm the appointment of such guardian or guardians, who shall thereupon be authorised and empowered to act as aforesaid, or make such other order in respect of the guardianship as the Court shall think right.

(3.) In the event of guardians being unable to agree upon a question affecting the welfare of an infant, any of them may apply to the Court for its direction, and the Court may make such order or orders regarding the matters in difference as it shall think proper.

Powers of guardian.

IV. Every guardian under this Act shall have all such powers over the estate and the person, or over the estate (as the case may be), of an infant as any guardian appointed by will or otherwise now has under the Act of Parliament twelve Charles the Second, chapter twenty-four.

Court may make orders as to custody.

V. The Court may upon the application of the mother of any infant (who may apply without next friend) make such order as it may think fit regarding the custody of such infant and the right of access thereto of either parent, having regard to the welfare of the infant, and to the conduct of the parents, and to the wishes as well of the mother as of the father, and may alter, vary, or discharge such order on the application of either parent, or, after the death of either parent, of any guardian under this Act, and in every case may make such order respecting the costs of the mother and the liability of the father for the same or otherwise as to costs as it may think just.

Power to Court to remove guardian.

VI. The Court may, in its discretion, on being satisfied that it is for the welfare of the infant, remove from his office any testamentary guardian, or any guardian appointed or acting by virtue of this Act, and may also, if it shall deem it to be for the welfare of the infant, appoint another guardian in place of the guardian so removed.

Guardianship in case of divorce or judicial separation.

VII. In any case where a decree for judicial separation, or a decree either nisi or absolute for divorce, shall be pronounced, the Court pronouncing such decree may thereby declare the parent by reason of whose misconduct such decree is made to be a person unfit to have the custody of the children (if any) of the marriage; and, in such case, the parent so declared to be unfit shall not, upon the death of the other parent, be entitled as of right to the custody or guardianship of such children.

VIII. Where the parent of a child applies to the Court for a writ or order for the production of the child, and the Court is of opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child, the Court may in its discretion decline to issue the writ or make the order.

Court may decline to issue order for production of child where parent has deserted child.

IX. If at the time of the application for a writ or order for the production of the child the child is being brought up by another person, the Court may in its discretion, if it orders the child to be given up to the parent, further order that the parent shall pay to such person the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

Payment of costs incurred in bringing up a child may be ordered by Court.

X. Where a parent has

(a) abandoned or deserted his child; or

(b) allowed his child to be brought up by another person at that person's expense such a length of time and under such circumstances as to satisfy the Court that the parent was unmindful of his parental duties,

Custody of child abandoned or deserted by parent.

the Court shall not make an order for the delivery of the child to the parent, unless the parent has satisfied the Court that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

XI. For the purposes of this Act the expression "the Court" shall mean the Supreme Court of the Colony; the expression "parent" of a child includes any person at law liable to maintain such child or entitled to his custody; and "person" includes any school or institution.

Certain expressions defined.

No. 7.

62 Vic. c. 4. *An Act relating to the Sale of Lands of Infants.*
(Assented to 20th April, 1899.)

I. This Act may be cited as "The Infants Property Act, 1899."

Short title.

II. Where any infant shall be seized or possessed of, or be beneficially interested in any lands, it shall be lawful for the Chief Justice, upon petition for the purpose presented on behalf of the infant, or on behalf of any person, or persons jointly, or otherwise, interested with the infant in any such lands, in all cases where it may appear to him for the advantage of the infant that such lands should be sold, to make a decree for the sale thereof, upon such terms as he may prescribe, and in such manner either by an Officer of the Supreme Court or by any other person to be nominated for the purpose, and for such estate as he may direct; and, upon and after such sale, to issue an order vesting such lands in the purchaser or purchasers thereof, and to direct the investment of the purchase money in such way and in the name of such trustee as he may designate and appoint for the benefit of the infant thereto entitled, and to order payment or distribution thereof or payment of the dividends thereof, as to him shall seem reasonable, and the order shall have the same effect as if the infant had been twenty-one years, and had duly executed a conveyance or assignment of the land for the same estate.

When sale of infants' lands may be ordered by Chief Justice.

CLASS V.

SUPREME COURT: IMPRISONMENT FOR DEBT AND
BANKRUPTCY SIDE.

No. 1.

33 Vic. c. 9. *An Act for the Abolition of Imprisonment for Debt, for the Punishment of Fraudulent Debtors, and for other purposes.*
(Assented to 15th March, 1870.)

PRELIMINARY.

Name of Act.	I. This Act may be cited for all purposes as "The Debtors Act, 1870."
Defines certain expressions and time of commencing this Act.	II. This Act shall not come into operation until the day on which "The Bankruptcy Act, 1870," comes into operation, which day is hereinafter referred to as the commencement of this Act, and words and expressions defined or explained in "The Bankruptcy Act, 1870," shall have the same meaning in this Act.
Repugnant sections repealed.	III. That all Acts and parts of Acts of the General Assembly of the Bahama Islands heretofore enacted which are repugnant to the provisions of this Act shall be and the same are hereby repealed.

PART I.

ABOLITION OF IMPRISONMENT FOR DEBT.

Abolishes imprisonment for debt.	IV. With the exceptions hereinafter mentioned, no person shall, after the commencement of this Act, be arrested or imprisoned for making default in payment of a sum of money.
Exceptions.	There shall be excepted from the operation of the above enactment: <ol style="list-style-type: none"> 1. Default in payment of a penalty or sum in the nature of a penalty, or other than a penalty in respect of any contract. 2. Default in payment of any sum recoverable summarily before a justice or justices of the peace. 3. Default by a trustee or person acting in a fiduciary capacity and ordered to pay by a Court of Equity any sum in his possession or under his control. 4. Default by an attorney or solicitor in payment of costs, when ordered to pay costs for misconduct as such, or in payment of a sum of money when ordered to pay the same in his character of an officer of the Court making the order. 5. Default in payment for the benefit of creditors of any portion of a salary or other income in respect of the payment of which any Court having jurisdiction in bankruptcy is authorised to make an order. 6. Default in payment of sums in respect of the payment of which orders are in this Act authorised to be made: Provided, first, that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than one year; and, secondly, that nothing in this section shall alter the effect of any judgment or order of any Court for payment of money, except as regards the arrest and imprisonment of the person making default in paying such money.

V. Subject to the provisions hereinafter mentioned, and to the prescribed rules, any Court may commit to prison for a term not exceeding six weeks, or until payment of the sum due, any person who makes default in payment of any debt or instalment of any debt due from him in pursuance of any order or judgment of that or any other competent Court.

Provided :

- (1.) That the jurisdiction by this section given of committing a person to prison shall, in the case of any Court other than the superior Courts of law and equity, be exercised only subject to the following restrictions ; that is to say :
Be exercised only by an order made in open Court, and showing on its face the ground on which it is issued.
- (2.) That such jurisdiction shall only be exercised where it is proved to the satisfaction of the Court that the person making default either has, or has had since the date of the order or judgment, the means to pay the sum in respect of which he has made default, and has refused or neglected, or refuses or neglects to pay the same.

Proof of the means of the person making default may be given in such manner as the Court thinks just; and for the purposes of such proof the debtor and any witnesses may be summoned and examined on oath, according to the prescribed rules.

Any jurisdiction by this section given to the superior Courts may be exercised by a judge sitting in chambers or otherwise in the prescribed manner.

For the purposes of this section, any Court may direct any debt due from any person in pursuance of any order or judgment, of that, or any other competent Court, to be paid by instalments, and may, from time to time, rescind or vary such order.

Persons committed under this section by a superior Court, may be committed to the prison in which they would have been confined, if arrested on a writ of *capias ad satisfaciendum*, and every order of committal by any superior Court shall, subject to the prescribed rules, be issued, obeyed, and executed in the like manner as such writ.

No imprisonment under this section shall operate as a satisfaction or extinguishment of any debt or demand, or cause of action, or deprive any person of any right to take out execution against the lands, goods, or chattels of the person imprisoned, in the same manner as if such imprisonment had not taken place.

Any person imprisoned under this section shall be discharged out of custody upon a certificate signed in the prescribed manner to the effect that he has satisfied the debt, or instalment of a debt, in respect of which he was imprisoned, together with the prescribed costs (if any).

VI. After the commencement of this Act, a person shall not be arrested upon mesne process in any action.

Where the plaintiff in any action in any of Her Majesty's superior Courts of law at Nassau, in which, if brought before the commencement of this Act, the defendant would have been liable to arrest, proves at any time before final judgment, by evidence on oath, to the satisfaction of a judge of one of those Courts, that the plaintiff has good cause of action against the defendant, and that there is probable cause for believing that the defendant is about to quit the colony, unless he be apprehended, and that the absence of the defendant from the colony will materially prejudice the plaintiff in the prosecution of his action, such judge may, in the prescribed manner, order such defendant to be arrested and imprisoned, for a period not exceeding six-months, unless and until he has sooner given the prescribed security, not exceeding the amount claimed in the action, that he will not go out of the colony without the leave of the Court.

Circumstances
under which
Courts may com-
mit to prison.

Persons not to be
arrested on
mesne process
unless good cause
on oath be
shown.

Where the action is for a penalty or sum in the nature of a penalty other than a penalty in respect of any contract, it shall not be necessary to prove that the absence of the defendant from the colony will materially prejudice the plaintiff in the prosecution of his action, and the security given (instead of being that the defendant will not go out of the colony) shall be to the effect that any sum recovered against the defendant in the action shall be paid, or that the defendant shall be rendered to prison.

Persons in custody for other than the defaults specified in this Act to be discharged.

VII. Where any person is, at the commencement of this Act, in custody in pursuance of a writ, attachment, or other process in any case in which he would not be liable to be arrested or imprisoned after the commencement of this Act, such person shall, at the commencement of this Act, be discharged from such custody without payment of any fees, but his arrest, imprisonment, or discharge shall not affect the creditor's rights or remedies for enforcing the payment of any money due to him, or deprive the creditor of the benefit of any charge or security on any property of the debtor.

Where, at the commencement of this Act, special bail has been given in any action, the defendant in which, after the commencement of this Act, cannot be imprisoned, or making default in satisfying the judgment recovered against him in such action, the condition of such bail, instead of being that the judgment shall be satisfied, or the defendant rendered to prison, shall be deemed to be that the defendant shall not go out of the colony without leave of the Court.

How sequestration may issue.

VIII. Sequestration against the property of a debtor may, after the commencement of this Act, be issued by any Court of Equity in the same manner as if such debtor had been actually arrested.

Defines this part of Act.

IX. Nothing in this part of this Act shall in any way affect any right or power, under "The Bankruptcy Act, 1870," to arrest or imprison any person.

Explains the word "prescribed."

X. In this part of this Act the term "prescribed" means :

As respects the superior Courts of law or equity, prescribed by general rules to be made by the respective judge or judges of the said Courts.

AND,

As respects the Court of Common Pleas, and other Courts for the recovery of small debts and damages, prescribed by general rules, to be made by the Judge of the Court of Common Pleas, and approved of by the Chief Justice.

And general rules and orders may respectively be made by such authorities as aforesaid for the purpose of carrying into effect this part of the Act.

PART II.

PUNISHMENT OF FRAUDULENT DEBTORS.

What cases in bankruptcy shall be deemed a misdemeanor with punishment of two years' imprisonment.

XI. Any person adjudged bankrupt, and any person whose affairs are liquidated by arrangement in pursuance of "The Bankruptcy Act, 1870," shall, in each of the cases following, be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any time not exceeding two years, with or without hard labour ; that is to say :

1. If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee administering his estate for the benefit of his creditors, all his property, real and personal, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any) or laid out in

the ordinary expense of his family, unless the jury is satisfied that he had no intent to defraud.

2. If he does not deliver up to such trustee, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up, unless the jury is satisfied that he had no intent to defraud.
3. If he does not deliver up to such trustee, or as he directs, all books, documents, papers, and writings in his custody or under his control, relating to his property or affairs, unless the jury is satisfied that he had no intent to defraud.
4. If, after the presentation of a bankruptcy petition against him, or the commencement of the liquidation, or within four months next before such presentation or commencement, he conceals any part of his property to the value of ten pounds or upwards, or conceals any debt due to or from him, unless the jury is satisfied that he had no intent to defraud.
5. If, after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he fraudulently removes any part of his property of the value of ten pounds or upwards.
6. If he makes any material omission in any statement relating to his affairs, unless the jury is satisfied that he had no intent to defraud.
7. If, knowing or believing that a false debt has been proved by any person under the bankruptcy or liquidation, he fail for the period of a month to inform such trustee, as aforesaid, thereof.
8. If, after the presentation of a bankruptcy petition against him, or the commencement of the liquidation, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law.
9. If, after the presentation of a bankruptcy petition against him, or the commencement of the liquidation, or within four months next before such presentation or commencement, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or defeat the law.
10. If, after the presentation of a bankruptcy petition against him, or the commencement of the liquidation, or within four months next before such presentation or commencement, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law.
11. If, after the presentation of a bankruptcy petition against him, or the commencement of the liquidation, or within four months next before such presentation or commencement, he fraudulently parts with, alters, or makes any omission or is privy to the fraudulently parting with, altering, or making any omission in any document affecting or relating to his property or affairs.
12. If, after the presentation of a bankruptcy petition against him, or the commencement of the liquidation, or at any meeting of his creditors within four months next before such presentation or commencement, he attempts to account for any part of his property by fictitious losses or expenses.

13. If, within four months next before the presentation of a bankruptcy petition against him, or the commencement of the liquidation, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same.
14. If, within four months next before the presentation of a bankruptcy petition against him or the commencement of the liquidation, he, being a trader, obtains under the false pretence of carrying on business and dealing in the ordinary way of his trade any property on credit, and has not paid for the same, unless the jury is satisfied that he had no intent to defraud.
15. If, within four months next before the presentation of a bankruptcy petition against him, or the commencement of the liquidation, he, being a trader, pawns, pledges, or disposes of, otherwise than in the ordinary way of his trade, any property which he has obtained on credit and has not paid for, unless the jury is satisfied that he had no intent to defraud.
16. If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors, or any of them, to any agreement with reference to his affairs or his bankruptcy or liquidation.

XII. If any person who is adjudged a bankrupt, or has his affairs liquidated by arrangement, after the presentation of a bankruptcy petition against him, or the commencement of the liquidation, or within four months before such presentation or commencement, quits the Bahama Islands, and takes with him, or attempts or makes preparation for quitting the Bahama Islands, and for taking with him any part of his property to the amount of twenty pounds or upwards, which ought by law to be divided amongst his creditors, he shall (unless the jury is satisfied that he had no intent to defraud) be guilty of felony, punishable with imprisonment for a time not exceeding two years, with or without hard labour.

Misdemeanor
with one year's
imprisonment.

XIII. Any person shall, in each of the cases following, be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to be imprisoned for any time not exceeding one year, with or without hard labour; that is to say:—

1. If, in incurring any debt or liability, he has obtained credit under false pretences, or by means of any other fraud.
2. If he has, with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery, or transfer of or any charge on his property.
3. If he has, with intent to defraud his creditors, concealed or removed any part of his property since, or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him.

Misdemeanor
with one year's
imprisonment.

XIV. If any creditor in any bankruptcy or liquidation, by arrangement or composition with creditors in pursuance of "The Bankruptcy Act, 1870," wilfully, and with intent to defraud, makes any false claim, or any proof, declaration, or statement of account which is untrue in any material particular, he shall be guilty of a misdemeanor, punishable with imprisonment not exceeding one year, with or without hard labour.

Debtors making
arrangement
liable for any
unpaid balance
before composi-
tion.

XV. Where a debtor makes any arrangement or composition with his creditors under the provisions of "The Bankruptcy Act, 1870," he shall remain liable for the unpaid balance of any debt which he incurred or increased, or whereof before the date of the arrangement or composition, he obtained forbearance, by any fraud; Provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debts and accepting dividends.

XVI. Where a trustee in any bankruptcy reports to any Court exercising a jurisdiction in bankruptcy that in his opinion a bankrupt has been guilty of any offence under this Act, or where the Court is satisfied, upon the representation of any creditor or member of the Committee of Inspection, that there is ground to believe that the bankrupt has been guilty of any offence under this Act, the Court shall, if it appears to the Court that there is a reasonable probability that the bankrupt may be convicted, order the trustee to prosecute the bankrupt for such offence.

Trustees may on report be ordered to prosecute bankrupt.

XVII. In any information for an offence under this Act, it shall be sufficient to set forth the substance of the offence charged, in the words of this Act specifying the offence or as near thereto as circumstances admit, without alleging or setting forth any debt, act of bankruptcy, trading, adjudication, or any proceeding in, or order, warrant, or document of any Court acting under "The Bankruptcy Act, 1870."

Any information to set forth the substance of the offence.

PART III.

WARRANTS OF ATTORNEY AND COGNOVITS.

XVIII. After the commencement of this Act, a warrant of attorney to confess judgment in any personal action or *cognovit actionem* given by any person, then being in the Island of New Providence, shall not be of any force unless there is present some attorney of one of the superior Courts on behalf of such person expressly named by him and attending at his request to inform him of the nature and effect of such warrant or cognovit before the same is executed, which attorney shall subscribe his name as a witness to the due execution thereof, and thereby declare himself to be attorney for the person executing the same, and states that he subscribes as such attorney.

Every *cognovit actionem* to be of force must be signed by the attorney for the person executing it.

XIX. There where a warrant of attorney or *cognovit actionem* is given by any person residing at any Island other than the Island of New Providence, the same shall be of full force and effect if at the time of the execution of the said warrant or cognovit a justice of the peace shall be present, and shall subscribe his name as a witness to the due execution thereof, and shall also certify that the party so executing the warrant or cognovit did fully understand the nature and effect thereof.

A justice of the peace must witness a warrant of attorney on the out-islands.

XX. A warrant of attorney to confess judgment or *cognovit actionem* not executed in manner aforesaid shall not be rendered valid by proof that the person executing the same did in fact understand the nature and effect thereof or was fully informed of the same.

Proof not to be given of bad execution of cognovit.

XXI. Where, in an action, a warrant of attorney to confess judgment or a *cognovit actionem* is given, and the same or a true copy thereof is not filed with the Prothonotary Registrar, or other officer, acting as Clerk of the Court in which the judgment is intended to be entered up within twenty-one days next after the execution thereof, as required by the Act of the third year of the reign of King George the Fourth (chapter thirty-nine), for preventing frauds upon creditors by secret warrants of attorney to confess judgment," the same shall be deemed fraudulent and shall be void; and if any such warrant of attorney or *cognovit actionem* so filed was given subject to any defeasance or condition, such defeasance or condition shall be written on the same paper or parchment with the warrant or cognovit before the filing thereof, otherwise the warrant or cognovit shall be void.

Circumstances which render void or make fraudulent cognovits.

No. 2.

33 Vic. c. 13. *An Act to consolidate and amend the Law of Bankruptcy.* (Assented to 15th March, 1870.)

PRELIMINARY.

Short title.

I. This Act may be cited for all purposes as "The Bankruptcy Act, 1870."

Commencement of Act.

II. This Act shall not come into operation until the first day of January, 1871.

Repealing certain Acts and parts of Acts.

III. The following Acts and parts of Acts shall be, and the same are hereby repealed :

8 Vic. c. 31.

8 Vic. c. 32.

23 Vic. c. 24.

29 Vic. c. 17.

So much of the 5th section, 26 Vic. c. 15, as relates to the office of A assignee in Bankruptcy.

So much of the 21st section, 32 Vic. c. 13, as declares the Judge of the Court of Common Pleas to be *ex officio* Commissioner of the Court of Bankruptcy, and the 27th section, 32 Vic. c. 13.

Interpretation of certain terms.

IV. In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them ; that is to say :

"The Court" shall mean the Court having jurisdiction in Bankruptcy as by this Act provided :

"The Registrar" shall mean the Registrar of "the Court," as above defined.

"Prescribed" shall mean prescribed by rules of Court to be made as in this Act provided.

"Property" shall mean and include money, goods, things in action, land, and every description of property, whether real or personal : also, obligations, easements, and every description of estate, interest, and profit, present or future, vested or contingent, arising out of or incident to property as above defined :

"Debt provable in bankruptcy" shall include any debt or liability by this Act made provable in bankruptcy :

"Person" shall include a body corporate :

"Trader" shall, for the purposes of this Act, mean the several persons in that behalf mentioned in the schedule to this Act annexed :

"Gazette" shall mean any newspaper published at Nassau in which the Government Notices are published by authority.

Exclusion of companies, &c.

V. A partnership, association, or company corporate, or registered under "The Companies Act, 1866," shall not be adjudged bankrupt under this Act.

PART I.

ADJUDICATION AND VESTING OF PROPERTY.

Adjudication.

Petition for adjudication in bankruptcy.

VI. A single creditor, or two or more creditors, if the debt due to such single creditor, or the aggregate amount of debts due to such several creditors from any debtor amount to a sum of not less than fifty pounds, may present a petition to the Court, praying that the debtor be adjudged a bankrupt, and alleging as the ground for such

adjudication any one or more of the following acts or defaults, hereinafter deemed to be and included under the expression "acts of bankruptcy."

- (1.) That the debtor has, in the Bahama Islands or elsewhere, made a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally.
- (2.) That the debtor has, in the Bahama Islands or elsewhere, made a fraudulent conveyance, gift, delivery, or transfer of his property or of any part thereof.
- (3.) That the debtor has, with intent to defeat or delay his creditors done any of the following things, namely: departed out of the Bahama Islands, or, being out of the Bahama Islands, remains out of the Bahama Islands; or, being a trader, departed from his dwelling house, or otherwise absented himself, or begun to keep house.
- (4.) That the debtor has filed, in the prescribed manner in the Court, a declaration admitting his inability to pay his debts.
- (5.) That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than fifty pounds, has, in the case of a trader, been levied by seizure and sale of his goods.
- (6.) That the creditor presenting the petition has served in the prescribed manner on the debtor a debtor's summons, requiring the debtor to pay a sum due, of an amount of not less than fifty pounds, and the debtor, being a trader, has, for the space of seven days, or, not being a trader, has, for the space of three weeks succeeding the service of such summons, neglected to pay such sum, or to secure or compound for the same.

But no person shall be adjudged a bankrupt on any of the above grounds unless the act of bankruptcy on which the adjudication is grounded has occurred within six months before the presentation of the petition for adjudication; moreover, the debt of the petitioning creditor must be a liquidated sum due at law or in equity, and must not be a secured debt, unless the petitioner state in his petition that he will be ready to give up such security for the benefit of the creditors, in the event of the debtor being adjudicated a bankrupt, or unless the petitioner is willing to give an estimate of the value of his security, in which latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated, but he shall, on an application being made by the trustee within the prescribed time after the date of adjudication, give up his security to such trustee for the benefit of the creditors upon payment of such estimated value.

VII. A debtor's summons may be granted by the Court, on a creditor proving to its satisfaction that a debt sufficient to support a petition in bankruptcy is due to him from the person against whom the summons is sought, and that the creditor has failed to obtain payment of his debt, after using reasonable efforts to do so. The summons shall be in the prescribed form, resembling, as nearly as circumstances admit, a writ issued by one of Her Majesty's superior Courts. It shall state, that in the event of the debtor failing to pay the sum specified in the summons, or to compound for the same to the satisfaction of the creditor, a petition may be presented against him, praying that he may be adjudged a bankrupt. The summons shall have an endorsement thereon to the like effect, or such other prescribed endorsement as may be best calculated to indicate to the debtor the nature of the document served upon him, and the consequences of inattention to the requisitions therein made.

Proceedings in relation to a debtor's summons.

Any debtor served with a debtor's summons may apply to the Court in the prescribed manner, and within the prescribed time, to dismiss such

summons, on the ground that he is not indebted to the creditor serving such summons, or that he is not indebted to such amount as will justify such creditor in presenting a bankruptcy petition against him; and the Court may dismiss the summons, with or without costs, if satisfied with the allegations made by the debtor, or it may, upon such security (if any) being given as the Court may require for payment to the creditor of the debt alleged by him to be due, and the costs of establishing such debt, stay all proceedings on the summons for such time as will be required for the trial of the question relating to such debt.

Proceedings on petition.

VIII. A petition praying that a debtor may be adjudged a bankrupt, in this Act referred to as a bankruptcy petition, shall be served in the prescribed manner. At the hearing, the Court shall require proof of the debt of the petitioning creditor, and of the trading, if necessary, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and if satisfied with such proof, shall adjudge the debtor to be bankrupt. The Court may adjourn the petition, either conditionally or unconditionally, for the procurement of further evidence, or for any other just cause, or may dismiss the petition, with or without costs, as the Court thinks just.

Proceedings if debt of petitioning creditor is contested.

IX. Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such amount as would justify the petitioner in presenting a bankruptcy petition against him, the Court, upon such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing such debt, may stay all proceedings on the petition for such time as may be required for trial of the question relating to such debt, and such trial shall be had in manner hereinbefore provided with respect to disputed debts under debtors' summonses.

Where proceedings are stayed, the Court may, if by reason of the delay caused by such stay of proceedings, or for any other cause it thinks just, adjudge the debtor a bankrupt on the petition of some other creditor, and shall thereupon dismiss, upon such terms as it thinks just, the petition, proceedings in which have been stayed as aforesaid.

Advertisement of order of adjudication.

X. A copy of an order of the Court adjudging the debtor to be bankrupt shall be published in the Gazette, and be notified locally in such manner (if any) as may be prescribed, and the date of such order shall be the date of the adjudication for the purposes of this Act, and the production of a copy of the Gazette containing such order, as aforesaid, shall be conclusive evidence in all legal proceedings of the debtor having been duly adjudged a bankrupt; and of the date of the adjudication.

Definition of commencement of bankruptcy.

XI. The bankruptcy of a debtor shall be deemed to have relation back to and to commence at the time of the act of bankruptcy being completed on which the order is made adjudging him to be bankrupt; or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to and to commence at the time of the first of the acts of bankruptcy that may be proved to have been committed by the bankrupt, within twelve months next preceding the order of adjudication; but the bankruptcy shall not relate to any prior act of bankruptcy, unless it be that, at the time of committing such prior acts, the bankrupt was indebted to some creditor or creditors in a sum or sums sufficient to support a petition in bankruptcy, and unless such debt or debts are still remaining due at the time of the adjudication.

Creditors bound by bankruptcy proceedings.

XII. Where a debtor shall be adjudicated a bankrupt, no creditor to whom the bankrupt is indebted in respect of any debt provable in the bankruptcy shall have any remedy against the property or person of

the bankrupt in respect of such debt, except in manner directed by this Act; but this section shall not affect the power of any creditor holding a security upon the property of the bankrupt to realise or otherwise deal with such security in the same manner as he would have been entitled to realise or deal with the same if this section had not been passed.

XIII. The Court may, at any time after the presentation of a bankruptcy petition against the debtor, restrain further proceedings in any action, suit, execution, or other legal process against the debtor in respect of any debt provable in bankruptcy, or it may allow such proceedings, whether in progress at the commencement of the bankruptcy or commenced during its continuance, to proceed upon such terms as the Court may think just. The Court may also, at any time after the presentation of such petition, appoint a receiver or manager of the property or business of the debtor against whom the petition is presented, or of any part thereof, and may direct immediate possession to be taken of such property or business or any part thereof.

Power of Court after presentation of petition to restrain suits, &c., and appoint receiver.

Appointment of Trustee.

XIV. When an order has been made adjudging a debtor bankrupt, herein referred to as an order of adjudication, the property of the bankrupt shall become divisible amongst his creditors in proportion to the debts proved by them in the bankruptcy; and for the purpose of effecting such division, the Court shall, as soon as may be, summon a general meeting of his creditors, and the creditors assembled at such meeting shall and may do as follows:

Meeting of creditors for appointment of persons to administer bankrupt's property.

1. They shall by resolution appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the bankrupt, at such remuneration as they may from time to time determine, if any; or they may resolve to leave his appointment to the committee of inspection hereinafter mentioned.
2. They shall, when they appoint a trustee, by resolution, declare what security is to be given, and to whom, by the person so appointed before he enters on the office of trustee.
3. They shall, by resolution, appoint some other fit persons, not exceeding five in number, and being creditors qualified to vote at such first meeting of creditors, as is in this Act mentioned, or authorised in the prescribed form by creditors so qualified to vote, to form a committee of inspection for the purpose of superintending the administration by the trustee of the bankrupt's property.
4. They may, by resolution, give directions as to the manner in which the property is to be administered by the trustee; and it shall be the duty of the trustee to conform to such direction, unless the Court, for some just cause, otherwise orders. Provided that the power hereby given to creditors to appoint to the office of trustee shall be subject to the provision hereinafter made for the continuance in office of the present Assignee of the Court of Bankruptcy.

XV. The property of the bankrupt divisible among his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:

Description of bankrupt's property divisible amongst creditors.

1. Property held by the bankrupt on trust for any other person.
2. The tools (if any) of his trade, and the necessary wearing apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding twenty pounds in the whole.

But it shall comprise the following particulars :

3. All such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy, or may be acquired by or devolve on him during its continuance.
4. The capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy or during its continuance.
5. All goods and chattels being, at the commencement of the bankruptcy, in the possession, order, or disposition of the bankrupt, being a trader, by the consent and permission of the true owner of which goods and chattels the bankrupt is reputed owner, or of which he has taken upon himself the sale or disposition as owner ; provided that things in action, other than debts due to him in the course of his trade or business, shall not be deemed goods and chattels within the meaning of this clause.

Regulations as to
first meeting of
creditors.

XVI. The general meeting of creditors to be summoned, as aforesaid, by the Court, and in this Act referred to as the first meeting of creditors, shall be held in the prescribed manner and subject to the prescribed regulations as to the quorum, adjournment of meeting, and all other matters relating to the conduct of the meeting or the proceedings thereat.

Provided that,

1. Every meeting held during the continuance in office of the present Assignee shall be presided over by that officer, and, in his unavoidable absence, by the Registrar, or in the like unavoidable absence of the Registrar by such chairman as the meeting may elect ; and after the abolition of the office of Assignee, as hereinafter provided for, meetings held under this section shall be presided over by the Registrar, or in his absence, as aforesaid, by a chairman elected as aforesaid.
2. A person shall not be entitled to vote as a creditor unless at or previously to the meeting he has, in the prescribed manner, proved a debt provable under the bankruptcy to be due to him.
3. A creditor shall not vote at the said meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.
4. A secured creditor shall, for the purpose of voting, be deemed to be a creditor only in respect of the balance (if any) due to him after deducting the value of his security ; and the amount of such balance shall, until the security be realised, be determined in the prescribed manner. He may, however, at or previously to the meeting of creditors, give up the security to the trustee, and thereupon he shall rank as a creditor in respect of the whole sum due to him.
5. A "secured creditor" shall, in this Act, mean any creditor holding any mortgage, charge, or lien on the bankrupt's estate, or any part thereof, as security for a debt due to him.
6. Votes may be given either personally or by proxy.
7. An ordinary resolution shall be decided by a majority in value of the creditors present personally or by proxy at the meeting and voting on such resolution.
8. A special resolution shall be decided by a majority in number, and three-fourths in value of the creditors present personally or by proxy at the meeting and voting on such resolution.

Devolution of
property on
trustee.

XVII. Until a trustee is appointed the Registrar shall be the trustee for the purposes of this Act, and immediately upon the order of adjudication being made the property of the bankrupt shall vest in the Registrar. On the appointment of a trustee the property shall forthwith pass

to and vest in the trustee appointed. The expression "trustee," when used in this Act, shall include the person for the time being filling the office of trustee, whether he be the Registrar or not; but when the Registrar holds the office of trustee, he shall, unless the Court otherwise orders, in the administration of the property of the bankrupt, apply to the Court for directions as to the mode of administering such property, and shall not take possession thereof unless directed by the Court. *Provided, however, that, during the period of the continuance in office of the present Assignee of the Court of Bankruptcy, the property of the bankrupts shall, upon order of adjudication made, vest in that officer who shall be ex officio trustee of each bankrupt estate, and the expression "trustee," when used in this Act, shall, during such period, apply solely to the then present Assignee of Bankrupts.**

XVIII. The appointment of a trustee shall be reported to the Court; and the Court, upon being satisfied that the requisite security has been entered into by him, shall give a certificate declaring him to be trustee of the bankruptcy named in the certificate, and such certificate shall be conclusive evidence of the appointment of the trustee, and such appointment shall date from the date of the certificate. When the Registrar holds the office of trustee, or when the trustee is changed, a like certificate of the Court may be made, declaring the person therein named to be trustee, and such certificate shall be conclusive evidence of the person therein named being trustee.

Evidence of
appointment of
trustee.

PART II.

ADMINISTRATION OF PROPERTY.

General Provisions affecting Administration of Property.

XIX. The bankrupt shall, to the utmost of his power, aid in the realization of his property, and the distribution of the proceeds among his creditors. He shall produce a statement of his affairs to the first meeting of creditors, and shall be publicly examined thereon on a day to be named by the Court, and subject to such adjourned public examination as the Court may direct. He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such meetings of his creditors, wait at such times on the trustee, execute such powers of attorney, conveyances, deeds, and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the trustee, or may be prescribed by rules of Court, or be directed by the Court by any special order or orders made in reference to any particular bankruptcy, or made on the occasion of any special application by the trustee or any creditor.

Conduct of
bankrupt.

If the bankrupt wilfully fail to perform the duties imposed on him by this section, or if he fail to deliver up possession to the trustee of any part of his property which is divisible amongst his creditors under this Act, and which may for the time being be in the possession or under the control of such bankrupt, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court and may be punished accordingly.

XX. The trustee shall, in the administration of the property of the bankrupt, and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors.

Conduct of trustee and appeal to Court against trustee.

* The Assignee referred to in this proviso died shortly after the commencement of the Act.

at any general meeting, or by the committee of inspection; and any directions so given by the creditors at any general meeting shall be deemed to override any directions given by the committee of inspection; the trustee shall call a meeting of the committee of inspection once at least every three months, when they shall audit his accounts, and determine whether any or what dividend is to be paid; he may also call special meetings of the said committee, as he thinks necessary.

Subject to the provisions of this Act, and to such directions as aforesaid, the trustee shall exercise his own discretion in the management of the estate, and its distribution amongst the creditors. The trustee may from time to time summon general meetings of the creditors for the purpose of ascertaining their wishes; he may also apply to the Court in the manner prescribed for directions in relation to any particular matter arising under the bankruptcy. The bankrupt or any creditor, debtor, or other person aggrieved by any act of the trustee may apply to the Court, and the Court may confirm, reverse, or modify the act complained of, and make such order in the premises as it thinks just. The Court may, from time to time, during the continuance of a bankruptcy, summon general meetings of the creditors for the purpose of ascertaining their wishes, and may, if the Court thinks fit, direct the Registrar to preside at such meetings.

The trustee shall, in relation to, and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position in all respects as if he were a receiver of such property appointed by the General Court on its Equity side, and the Court may, on his application, enforce such acquisition or retention of property accordingly.

Regulations as to
general meetings
of creditors sub-
sequent to first
meeting.

XXI. The provisions of this Act with respect to the first general meeting of creditors shall apply to any subsequent general meeting of creditors in a bankruptcy, with this exception, that subsequent meetings of creditors may be summoned by the trustee, or by a member of the committee of inspection, and that such meetings may, unless otherwise directed by the Court, in the case of meetings summoned by the Court be presided over by any person chosen by the creditors assembled at such meeting, and that any creditor whose debt has been proved, or the value of whose debt has been ascertained at, or subsequent to such first meeting, shall be allowed to be present and to vote thereat.

Dealings with Bankrupt's Property.

Possession of
property by
trustee.

XXII. Where any portion of the property of the bankrupt consists of stock, shares in ships, shares, or any other property transferable in the books of any company, office, or person, the right to transfer such property shall be absolutely vested in the trustee, to the same extent as the bankrupt might have exercised the same if he had not become bankrupt. Where any portion of such estate consists of copyhold or customary property, or any like property passing by surrender and admittance or in any similar manner, the trustee shall not be compellable to be admitted to such property, but may deal with the same in the same manner as if such property had been capable of being, and had been, duly surrendered or otherwise conveyed to such uses as the trustee may appoint; and any appointee of the trustee shall be admitted or otherwise invested with the property accordingly.

Where any portion of the property of the bankrupt consists of things in action, any action, suit, or other proceeding for the recovery of such things instituted by the trustee shall be instituted in his official name, as in this Act provided; and such things shall, for the purpose of such action, suit, or other proceeding, be deemed to be assignable in law, and to have been duly assigned to the trustee in his official capacity.

The trustee shall, as soon as may be, take possession of the deeds, books, and documents of the bankrupt, and all other property capable of manual delivery. The trustee shall keep, in such manner as rules of Court shall direct, proper books, in which he shall from time to time, make or cause to be made entries or minutes of proceedings at meetings, and of such other matters as rules of Court shall direct, and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent inspect such books.

XXIII. When any property of the bankrupt acquired by the trustee under this Act consists of land of any tenure, burdened with onerous covenants, of unmarketable shares in companies, of unprofitable contracts or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act or to the payment of any sum of money, the trustee, notwithstanding he has endeavoured to sell, or has taken possession of such property or exercised any act of ownership in relation thereto, may, by writing under his hand, disclaim such property, and, upon the execution of such disclaimer, the property disclaimed shall, if the same is a contract, be deemed to be determined from the date of the order of adjudication; and if the same is a lease be deemed to have been surrendered on the same date, and if the same be shares in any company be deemed to be forfeited from that date, and if any other species of property it shall revert to the person entitled on the determination of the estate or interest of the bankrupt; but if there shall be no person in existence so entitled, then in no case shall any estate or interest therein remain in the bankrupt. Any person interested in any disclaimed property may apply to the Court, and the Court may, upon such application, order possession of the disclaimed property to be delivered up to him, or make such other order as to the possession thereof as may be just.

Disclaimer as to onerous property.

Any person injured by the operation of this section shall be deemed a creditor of the bankrupt to the extent of such injury, and may accordingly prove the same as a debt under the bankruptcy.

XXIV. The trustee shall not be entitled to disclaim any property in pursuance of this Act in cases where an application in writing has been made to him by any person interested in such property, requiring such trustee to decide whether he will disclaim or not, and the trustee has for a period of not less than twenty-eight days after the receipt of such application, or such further term as may be allowed by the Court, declined or neglected to give notice whether he disclaims the same or not.

Limitation of time for disclaimer.

XXV. Subject to the provisions of this Act, the trustee shall have power to do the following things:—

Power of trustee to deal with property.

1. To receive and decide upon proof of debts in the prescribed manner, and for such purpose to administer oaths.
2. To carry on the business of the bankrupt so far as may be necessary for the beneficial winding up of the same.
3. To bring or defend any action, suit, or other legal proceeding relating to the property of the bankrupt.
4. To deal with any property to which the bankrupt is beneficially entitled as tenant in tail in the same manner as the bankrupt might have dealt with the same; and the Act 25 Victoria, c. 2, to amend the law of real property with reference to entailed estates, shall extend and apply to proceedings in bankruptcy under this Act as if the said Act, and the sections of the Act of Parliament to which it refers, were here re-enacted and made applicable in terms to such proceedings.
5. To exercise any powers the capacity to exercise which is vested in him under this Act, and to execute all powers of attorney,

deeds, and other instruments expedient or necessary for the purpose of carrying into effect the provisions of this Act.

6. To sell all the property of the bankrupt (including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt) by public auction or private contract, with power, if he thinks fit, to transfer the whole thereof to any person or company, or to sell the same in parcels.
7. To give receipts for any money received by him, which receipt shall effectually discharge the person paying such moneys from all responsibility in respect of the application thereof.
8. To prove rank, claim and draw a dividend in the matter of the bankruptcy or sequestration of any debtor of the bankrupt.

Power to allow
bankrupt to
manage pro-
perty.

XXVI. The trustee may appoint the bankrupt himself to superintend the management of the property or of any part thereof, or to carry on the trade of the bankrupt (if any) for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the creditors direct.

Power of trustee
to compromise,
&c.

XXVII. The trustee may, with the sanction of the committee of inspection, do all or any of the following things :—

1. Mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts.
2. Refer any dispute to arbitration, compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any debtor or person who may have incurred any liability to the bankrupt, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon.
3. Make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy.
4. Make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt made or capable of being made on the trustee by any person by the trustee on any person.
5. To divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot advantageously be realised by sale.

The sanction given for the purposes of this section may be a general permission to do all or any of the above-mentioned things, or a permission to do all or any of them in any specified case or cases.

Power of trustee
to accept com-
position or
general scheme of
arrangement.

XXVIII. The trustee may, with the sanction of a special resolution of the creditors assembled at any meeting of which notice has been given specifying the object of such meeting, accept any composition offered by the bankrupt, or assent to any general scheme of settlement of the affairs of the bankrupt, upon such terms as may be thought expedient, and with or without a condition that the order of adjudication is to be annulled, subject nevertheless to the approval of the Court, to be testified by the judge of the Court signing the instrument containing the terms of such composition or scheme, or embodying such terms in an order of the Court.

Where the annulling the order of adjudication is made a condition of any composition with the bankrupt or of any general scheme for the liquidation of his affairs, the Court, if it approves of such composition or general scheme, shall annul the adjudication on an application made by or on behalf of any person interested, and the adjudication shall be annulled from or after the date of the order annulling the same.

The provisions of any composition or general scheme made in pursuance of this Act may be enforced by the Court, on a motion made in a summary manner, by any person interested, and any disobedience of the order of the Court made on such motion shall be deemed to be a contempt of Court. The approval of the Court shall be conclusive as to the validity of any such composition or scheme, and it shall be binding on all the creditors, so far as relates to any debts due to them, and provable under the bankruptcy.

XXIX. A trustee shall not, without the consent of the committee of inspection, employ a solicitor or other agent, but where the trustee is himself a solicitor, he may contract to be paid a certain sum, by way of percentage or otherwise, as a remuneration for his services as trustee, including all professional services, and any such contract shall, notwithstanding any law to the contrary, be lawful.

Trustee if solicitor may be paid for services.

XXX. The trustee shall pay all sums from time to time received by him into the Public Bank at Nassau, and if he at any time keep in his hands any sum exceeding fifty pounds for more than ten days, he shall be subject to the following liabilities, that is to say :

Trustees to pay money into bank.

1. He shall pay interest at the rate of twenty pounds per centum per annum on the excess of such sum, above fifty pounds, as he may retain in his hands.
2. Unless he can prove to the satisfaction of the Court that his reason for retaining the money was sufficient, he shall, on the application of any creditor, be dismissed from his office by the Court, and shall have no claim for remuneration, and be liable to any expenses to which the creditors may be put by or in consequence of his dismissal.

Payment of Debts and Distribution of Assets.

XXXI. Demands in the nature of unliquidated damages, arising otherwise than by reason of a contract or promise, shall not be provable in bankruptcy, and no person having notice of any act of bankruptcy available for adjudication against the bankrupt, and shall prove for any debt or liability contracted by the bankrupt subsequently to the date of his so having notice.

Description of debts provable in bankruptcy.

Save, as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the bankrupt is subject at the date of the order of adjudication, or to which he may become subject during the continuance of the bankruptcy by reason of any obligation incurred previously to the date of the order of adjudication, shall be deemed to be debts provable in bankruptcy, and may be proved in the prescribed manner before the trustee in the bankruptcy.

An estimate shall be made according to the rules of the Court for the time being in force, so far as the same may be applicable, and where they are not applicable, at the discretion of the trustee, of the value of any debt or liability provable as aforesaid, which by reason of its being subject to any contingency, or contingencies, or for any other reason, does not bear a certain value.

Any person aggrieved by any estimate made by the trustee, as aforesaid, may appeal to the Court, and the Court may, if it think the value of the debt or liability incapable of being fairly estimated, make an order to that effect, and upon such order being made, such debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy; but if the Court think that the value of the debt or liability is capable of being fairly estimated, it may direct such value to be assessed with the consent of all the parties interested before the Court itself without the intervention of a jury, or if such parties do not consent by a jury, either before the Court itself or some other competent Court,

and may give all necessary directions for such purpose, and the amount of such value when assessed shall be provable as a debt under the bankruptcy.

"Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement, or undertaking, whether such breach does or does not occur, or is or is not likely to occur, or capable of occurring, before the close of the bankruptcy, and generally it shall include any express or implied engagement, agreement, or undertaking to pay, or capable of resulting in the payment of money or money's worth, whether such payment be as respects amount fixed or unliquidated; as respects time present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation capable of being ascertained by fixed rules, or assessable only by a jury, or as matter of opinion.

Preferential
debts.

XXXII. The debts hereinafter mentioned shall be paid in priority to all other debts. Between themselves such debts shall rank equally, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions between themselves, that is to say :

1. All debts due to the Crown whether as Crown revenues or on account of the general revenue of the colony.
2. All wages or salary of any clerk or servant in the employment of the bankrupt at the date of the order of adjudication, not exceeding four months' wages or salary, and not exceeding fifty pounds; all wages of any labourer or workman in the employment of the bankrupt at the date of the order of adjudication and not exceeding two months' wages.

Save as aforesaid, all debts provable under the bankruptcy shall be paid *pari passu*.

Preferential
claim in case of
apprenticeship.

XXXIII. Where at the time of the presentation of the petition for adjudication any person is apprenticed or is an articulated clerk to the bankrupt, the order of adjudication shall, if either the bankrupt or apprentice or clerk give notice in writing to the trustee to that effect, be a complete discharge of the indenture of apprenticeship or articles of agreement; and if any money has been paid by or on behalf of such apprentice or clerk to the bankrupt as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as such trustee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the indenture or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

Where it appears expedient to a trustee he may, on the application of any apprentice or articulated clerk to the bankrupt, or any person acting on behalf of such apprentice or articulated clerk, instead of acting under the preceding provisions of this section, transfer the indenture of apprenticeship or articles of agreement to some other person.

Power of land-
lord to distrain
for rent.

XXXIV. The landlord or other person to whom any rent is due from the bankrupt may at any time either before or after the commencement of the bankruptcy, distrain upon the goods or effects of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove

under the bankruptcy for the overplus due for which the distress may not have been available.

XXXV. When any rent or other payment falls due at stated periods and the order of adjudication is made at any time other than one of such periods, the person entitled to such rent or payment may prove for a proportionate part thereof up to the day of the adjudication as if such rent or payment grew due from day to day.

Proof in case of rent and periodical payment.

XXXVI. Interest on any debt provable in bankruptcy may be allowed by the trustee under the same circumstances in which interest would have been allowable by a jury if an action had been for such debt.

Interest on debts.

XXXVII. If any bankrupt is at the date of the order of adjudication liable in respect of distinct contracts as member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of such contracts, against the properties respectively liable upon such contracts.

Proof in respect of contracts.

XXXVIII. The trustee, with the consent of the creditors, testified by a resolution passed in general meeting, may from time to time, during the continuance of the bankruptcy, make such allowance as may be approved by the creditors to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate.

Allowance to bankrupt for maintenance or service.

XXXIX. Where there have been mutual credits, mutual debts, or other mutual dealings between the bankrupt and any other person proving or claiming to prove a debt under his bankruptcy, an account shall be taken of what is due from the one party to the other, in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of such account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set off against the property of a bankrupt in any case where he had at the time of giving credit to the bankrupt notice of an act of bankruptcy committed by such bankrupt and available against him for adjudication.

Set off.

XL. A creditor holding a specific security on the property of the bankrupt, or on any part thereof, may on giving up his security prove for his whole debt.

Provision as to secured creditor.

He shall also be entitled to a dividend in respect of the balance due to him after realising or giving credit for the value of his security, in manner and at the time prescribed.

A creditor holding a specific security as aforesaid and not complying with the foregoing conditions shall be excluded from all share in any dividend.

Dividends.

XLI. The trustee shall from time to time, when the committee of inspection determines, declare a dividend amongst the creditors who have proved to his satisfaction debts provable in bankruptcy, and shall distribute the same accordingly; and in the event of his not declaring a dividend for the space of six months, he shall summon a meeting of the creditors, and explain to them his reasons for not declaring the same.

Distribution of dividends.

XLII. In the calculation and distribution of a dividend it shall be obligatory on the trustee to make provision for debts provable in bankruptcy appearing from the bankrupt's statements, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they

Provision for creditors residing at a distance, &c.

have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy, the subject of claims not yet determined.

Right of creditor who has not proved debt before declaration of a dividend.

XLIII. Any creditor who has not proved his debt before the declaration of any dividend or dividends, shall be entitled to be paid out of any monies for the time being in the hand of the trustee any dividend or dividends he may have failed to receive before such monies are made applicable to the payment of any future dividend or dividends; but he shall not be entitled to disturb the distribution of dividend declared before his debt was proved, by reason that he has not participated therein.

Final dividend.

XLIV. When the trustee has converted into money all the property of the bankrupt, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realised without needlessly protracting the bankruptcy, he shall declare a final dividend, and give notice of the time at which it will be distributed.

Bankrupt entitled to surplus.

XLV. The bankrupt shall be entitled to any surplus remaining after payment of his creditors, and of the costs, charges, and expenses of the bankruptcy.

No action for dividend.

XLVI. No action or suit for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend the Court may, if it thinks fit, order the trustee to pay the same, and also to pay out of his own monies interest thereon for the time that it is withheld, and the costs of the application.

Close of Bankruptcy.

Close of bankruptcy.

XLVII. When the whole property of the bankrupt has been realised for the benefit of his creditors, or so much thereof as can, in the joint opinion of the trustee and committee of inspection, be realised without needlessly protracting the bankruptcy, or a composition or arrangement has been completed, the trustee shall make a report accordingly to the Court; and the Court, if satisfied that the whole of the property of the bankrupt has been realised for the benefit of his creditors, or so much thereof as can be realised without needlessly protracting the bankruptcy, or that a composition or arrangement has been completed, shall make an order that the bankruptcy has closed, and the bankruptcy shall be deemed to have closed at and after the date of such order.

A copy of the order closing the bankruptcy may be published in the Gazette, and the production of a copy of such Gazette containing a copy of the order shall be conclusive evidence of the order having been made, and of the date and contents thereof.

Discharge of Bankrupt.

Order of discharge.

XLVIII. When a bankruptcy is closed, or at any time during its continuance, with the assent of the creditors testified by a special resolution, the bankrupt may apply to the Court for an order of discharge; but such discharge shall not be granted unless it is proved to the Court that one of the following conditions has been fulfilled, that is to say, either that a dividend of not less than ten shillings in the pound has been paid out of his property, or might have been paid except through the negligence or fraud of the trustee, or that a special resolution of his creditors has been passed to the effect that his bankruptcy or the failure to pay ten shillings in the pound has, in their opinion, arisen from circumstances for which the bankrupt cannot justly be held responsible, and that they desire that an order of discharge should be granted to him; and the Court may suspend for such time as it deems to be just, or withhold altogether, the order of discharge in the circumstances following; namely, if it appears to the Court on the representation of the

creditors made by special resolution, of the truth of which representation the Court is satisfied, or by other sufficient evidence, that the bankrupt has made default in giving up to his creditors the property which he is required by this Act to give up; or that a prosecution has been commenced against him in pursuance of the provisions relating to the punishment of fraudulent debtors, contained in "The Debtors' Act, 1870," in respect of any offence alleged to have been committed by him against the said Act.

XLIX. An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or breach of trust, nor from any debt or liability whereof he has obtained forbearance by any fraud, but it shall release the bankrupt from all other debts provable under the bankruptcy with the exception of :

Effect of order of discharge.

1. Debts due to the Crown.
2. Debts with which the bankrupt stands charged at the suit of the Crown or of any person for any offence against a statute relating to any branch of the public revenue, or at the suit of the Provost Marshal or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence.

An order of discharge shall be sufficient evidence of the bankruptcy, and of the validity of the proceedings thereon, and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by such order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

L. The order of discharge shall not release any person who, at the date of the order of adjudication, was a partner with the bankrupt, or was jointly bound or had made any joint contract with him.

Exception of joint debtors.

Release of Trustee.

LI. When the bankruptcy is closed the trustee shall call a meeting of the creditors to consider an application to be made to the Court for his release. At the meeting the trustee shall lay before the assembled creditors an account showing the manner in which the bankruptcy has been conducted, with a list of the unclaimed dividends, if any, and of the property, if any, outstanding, and shall inform the meeting that he proposes to apply to the Court for a release.

Release of trustee.

The creditors assembled at the meeting may express their opinion as to the conduct of the trustee, and they, or any of them, may appear before the Court and oppose the release of the trustee.

The Court, after hearing what, if anything, can be urged against the release of the trustee, shall grant or withhold the release accordingly, and if it withhold the release shall make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty, and shall suspend his release until such charging order has been complied with, and the Court thinks just to grant the release of the trustee.

LII. Unclaimed dividends, and any other monies arising from the property of the bankrupt, remaining under the control of the trustee at the close of the bankruptcy of any bankrupt, or accruing thereafter, shall be accounted and paid over to such account as may be directed by the rules of Court to be made as herein provided for; and any parties entitled thereto may claim the same in manner directed by such rules. The trustee shall also deliver a list of any outstanding property of the bankrupt to the prescribed persons, and the same shall, when

Duty of trustee as to unclaimed dividends and outstanding property.

Effect of release
of trustee.

practicable, be got in and applied for the benefit of the creditors in manner prescribed.

LIII. The order of the Court releasing the trustee of a bankruptcy shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee of such bankrupt, but such order may be revoked by the Court on proof that it was obtained by fraud.

Status of Undischarged Bankrupt.

Status of undischarged bankrupt.

LIV. Where a person who has been made a bankrupt has not obtained his discharge, then, from and after the close of his bankruptcy, the following consequences shall ensue :

1. No portion of a debt provable under bankruptcy shall be enforced against the property of the person so made bankrupt until the expiration of three years from the close of the bankruptcy ; and during that time, if he pay to his creditors such additional sum as will, with the dividend paid out of his property during the bankruptcy, make up ten shillings in the pound, he shall be entitled to an order of discharge in the same manner as if a dividend of ten shillings in the pound had originally been paid out of his property.
2. At the expiration of a period of three years from the close of the bankruptcy, if the debtor made bankrupt has not obtained an order of discharge, any balance remaining unpaid in respect of any debt proved in such bankruptcy (but without interest in the meantime) shall be deemed to be a subsisting debt in the nature of a judgment debt, and, subject to the rights of any persons who have become creditors of the debtor since the close of his bankruptcy, may be enforced against any property of the debtor, with the sanction of the Court which adjudicated such debtor a bankrupt, or of the Court having jurisdiction in bankruptcy in the place where the property is situated, but to the extent only, and at the time and in manner directed by such Court, and after giving such notice and doing such acts as may be prescribed in that behalf.

Audit.

Appointment of Registrar.

LV. The trustee having had his quarterly statement of accounts audited by the committee of inspection, shall, within the prescribed time, forward the certified statement in the prescribed form to the Registrar, and if he fail to do so he shall be deemed guilty of a contempt of Court to be punishable accordingly.

Return of accounts to Registrar.

LVI. Every trustee of a bankrupt shall from time to time, as may be prescribed, and not less than once in every year during the bankruptcy, transmit to the Registrar a statement showing the proceedings in such bankruptcy up to the date of the statement containing the prescribed particulars, and made out in the prescribed form ; and any trustee failing to transmit accounts in compliance with this section shall be deemed guilty of a contempt of Court, and be punishable accordingly.

Duty of Registrar.

LVII. The Registrar shall examine the statements transmitted to him, and shall call the trustee to account for any misfeasance, neglect, or omission which may appear on such statements, and may require the trustee to make good any loss the estate of the bankrupt may have sustained by such misfeasance, neglect, or omission. If the trustee fail

to comply with such requisition of the Registrar, the Registrar may report the same to the Court; and the Court, after hearing the explanation, if any, of the trustee, shall make such order in the premises as it thinks just.

LXVIII. The Registrar may at any time require any trustee to answer any inquiry made by him in relation to any bankruptcy in which such trustee is engaged, and may, if he think fit, apply to the Court to examine on oath such trustee or any other person concerning such bankruptcy; he may also direct a local investigation to be made of the books and vouchers of the trustees.

Powers of Registrar.

PART III.

CONSTITUTION AND POWERS OF COURT.

Description of Court.

LIX., LX., and LXI. Repealed by "The Supreme Court Act, 1896."

LXII. The Judge may sit at Chambers, and when at Chambers shall have the same jurisdiction and exercise the same power as if sitting in open Court.

LXIII. Repealed by "The Supreme Court Act, 1896."

LXIV. The Judge in Bankruptcy may, subject and in accordance with the rules of Court for the time being in force, delegate to the Registrar or any other officer of his Court such of the powers vested in him by this Act as it may be expedient for the Judge to delegate to him.

Court may delegate authority.

LXV. and LXVI. Repealed by "The Supreme Court Act, 1896."

LXVII. Subject to the provisions of this Act, the Court shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, arising in any case of bankruptcy coming within the cognisance of such Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case; and no such Court as aforesaid shall be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act; and if in any proceeding in bankruptcy there arises any question of fact which the parties desire to be tried before a jury instead of by the Court itself, or which the Court thinks ought to be tried by a jury, the Court may direct such trial to be had, and such trial may be had accordingly in the General Court in the same manner in which jury trials in ordinary cases are by law held in such Court.

Powers of Court.

LXVIII. Any search warrant issued by a Court having jurisdiction in bankruptcy under this Act for the discovery of any property of a bankrupt may be executed in the same manner and subject to the same privileges in and subject to which a search warrant for property supposed to be stolen may be executed according to law.

Warrants of Bankruptcy Courts.

LXIX. Where any Court having jurisdiction in bankruptcy under this Act commits any person to prison, the commitment may be to such convenient prison as the Court thinks expedient; and if the gaoler of any prison refuses to receive any prisoner so committed, he shall be liable for every such refusal to a penalty of not exceeding one hundred pounds.

Commitment to prison.

LXX. Repealed by "The Supreme Court Act, 1896."

PART IV.

SUPPLEMENTAL PROVISIONS.

As to Proceedings.

Supplemental
regulations as to
proceedings in
bankruptcy.

LXXI. The following regulations shall be made with respect to proceedings in bankruptcy; namely,

1. Every bankruptcy petition shall be accompanied by an affidavit of the petitioner in the prescribed form, verifying the statements contained in such petition.
2. Where two or more bankruptcy petitions are presented against the same debtor, or against debtors being members of the same partnership, the Court may consolidate the proceedings or any of them, upon such terms as the Court thinks fit.
3. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of a petitioning creditor.
4. A corporation may prove a debt, vote, and otherwise act in bankruptcy, by an agent duly authorised under the seal of the corporation.
5. A creditor may, in the prescribed manner, by instrument in writing, appoint a person to represent him in all matters relating to any debtor or his affairs in which a creditor is concerned in pursuance of this Act, and such representative shall thereupon, for all the purposes of this Act, stand in the same position as the creditor who appointed him.
6. When a debtor who has been adjudicated a bankrupt dies, the Court may order that the proceedings in the matter be continued as if he were alive.
7. The Court may, at any time, on proof to its satisfaction that proceedings in bankruptcy ought to be stayed, by reason that negotiations are pending for the liquidation of the affairs of the bankrupt by arrangement or for the acceptance of a composition by the creditors in pursuance of the provisions hereinafter contained, or on proof to its satisfaction of any other sufficient reason for staying the same, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court may think just.

Consequences of
annulling of ad-
judication.

LXXII. Whenever any adjudication in bankruptcy is annulled all sales and dispositions of property and payments duly made, and all acts theretofore done, by the trustee or any person acting under his authority, or by the Court, shall be valid, but the property of the debtor who was adjudged a bankrupt shall in such case vest in such person as the Court may appoint, or in default of any such appointment revert to the bankrupt for all his estate or interest therein upon such terms and subject to such conditions, if any, as the Court may declare by order. A copy of the order of the Court annulling the adjudication of a debtor as a bankrupt shall be forthwith published in the Gazette and notified locally in the prescribed manner, and the production of a copy of the Gazette containing such order shall be conclusive evidence of the fact of the adjudication having been annulled, and of the terms of the order annulling the same.

Formal defects
not to invalidate
proceedings.

LXXIII. No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the Court before which an objection is made to such proceeding is of opinion that substantial injustice has been caused by such defect or irregularity, and that such injustice cannot be remedied by any order of such Court.

As to Trustees and Committee of Inspection.

LXXIV. The following regulations shall be made with respect to the trustee and committee of inspection :

Regulations as to
trustees, &c.

1. The creditors may, if they think fit, appoint more persons than one to the office of trustee, and when more than one are appointed they shall declare whether any act required or authorised to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint tenants of the property of the bankrupt. The creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee.
2. If any vacancy occur in the office of trustee by death, resignation, or otherwise, the creditors in general meeting shall fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing trustee, if there be more than one, or by the Registrar on the requisition of any creditor.
3. If, through any cause whatever, there is no trustee acting during the continuance of a bankruptcy, the Registrar of the Court for the time being having jurisdiction in the bankruptcy shall act as such trustee.
4. The Court may, upon cause shown, remove any trustee. The creditors may, by special resolution at a meeting specially called for that purpose, of which seven days' notice has been given, remove the trustee and appoint another person to fill his office, and the Court shall give a certificate declaring him to be the trustee.
5. If a trustee be adjudged bankrupt, he shall cease to be trustee, and the Registrar shall, if there be no other trustee, call a meeting of creditors for the appointment of another trustee in his place.
6. The property of the bankrupt shall pass from trustee to trustee, including under that term the Registrar when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment, or transfer whatever.
7. The trustee of a bankrupt may sue and be sued by the official name of the "trustee of the property of _____ a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding upon himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.
8. The certificate of appointment of a trustee shall, for all purposes of any law in force in any part of the British dominions requiring registration, enrolment, or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled, and recorded accordingly.
9. All acts and things by this Act authorised or required to be done by or to the Registrar may be done within the district of each Court having jurisdiction in bankruptcy by or to the Registrar of that Court.
10. Any member of the committee of inspection may resign his office by notice in writing signed by him, and delivered to the trustee.

11. The creditors may by resolution fix the quorum required to be present at a meeting of the committee of inspection.
12. Any member of the committee of inspection may also be removed by a special resolution at any meeting of creditors of which the prescribed notice has been given, stating the object of the meeting.
13. On any vacancy occurring in the office of a member of the committee of inspection by removal, death, resignation, or otherwise, the trustee shall convene a meeting of creditors for the purpose of filling up such vacancy.
14. The continuing members of the committee of inspection may act, notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it do not exceed five.
15. No defect or irregularity in the election of a trustee or of a member of the committee of inspection shall vitiate any act *bonâ fide* done by him; and no act or proceeding of the trustee or of the creditors shall be invalid by reason of any failure of the creditors to elect all or any members of the committee of inspection.
16. If a member of the committee of inspection become a bankrupt his office shall thereupon become vacant.
17. Where there is no committee of inspection, any act or thing or any direction or consent by this Act authorised or required to be done or given by such committee may be done or given by the Court on the application of the trustee.

Power of Court,
on failure of
creditors, to ap-
point trustee.

LXXV. The Registrar may adjourn the first meeting of creditors from time to time and from place to place, subject to the directions of the Court; but if at such first meeting of creditors or at some adjournment thereof no trustee is appointed by reason of the prescribed quorum not being present, or for any other reason whatever, the Court may annul the adjudication, unless it deems it expedient to carry on the bankruptcy with the aid of the Registrar as trustee. Moreover, if at any time during the bankruptcy no new trustee is appointed to fill a vacancy in that office, the Court may either carry on the bankruptcy with the aid of the Registrar as trustee or annul the order of adjudication, as it thinks just.

As to Power over Bankrupt.

Post letters ad-
dressed to bank-
rupt.

LXXVI. The Court, upon the application of the trustee, may from time to time order that, for such time as the Court thinks fit, not exceeding three months from the date of the order of adjudication, post letters addressed to the bankrupt at any place or any of the places mentioned in the order, shall be re-directed, sent, or delivered by the Postmaster of the colony or the officers acting under him, to the trustee or otherwise as the Court directs, and the same shall be done accordingly.

Arrest of bank-
rupt under
certain circum-
stances.

LXXVII. The Court may, by warrant addressed to any constable or prescribed officer of the Court, cause a debtor to be arrested, and any books, papers, monies, goods, and chattels in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order, under the following circumstances:

1. If, after a petition of bankruptcy is presented against such debtor, it appear to the Court that there is probable reason for believing that he is about to go abroad or to quit his place of residence with a view of avoiding service of the petition, or of avoiding appearing to the petition, or of avoiding examination in respect

of his affairs, or otherwise delaying or embarrassing the proceedings in bankruptcy.

2. If, after a petition in bankruptcy has been presented against such debtor, it appear to the Court that there is probable cause for believing that he is about to remove his goods or chattels with a view of preventing or delaying such goods or chattels being taken possession of by the trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his goods or chattels, or any books, documents, or writings which might be of use to his creditors in the course of his bankruptcy.
3. If, after the service of the petition on such debtor, or after an adjudication in bankruptcy against him, he remove any goods or chattels in his possession above the value of five pounds, without the leave of the trustee, or if, without good cause shown, he fails to attend any examination ordered by the Court.

As to Property devolving upon Trustee.

LXXVIII. Where the goods of any trader have been taken into execution in respect of a judgment for a sum exceeding fifty pounds and sold, the Provost Marshal shall retain the proceeds of such sale in his hands for a period of fourteen days, and upon notice being served on him within that period of a bankruptcy petition having been presented against such trader, shall hold the proceeds of such sale, after deducting expenses, on trust to pay the same to the trustee; but if no notice of such petition having been presented be served on him within such period of fourteen days, or if, such notice having been served, the trader against whom the petition has been presented is not adjudged a bankrupt on such petition, or on any other petition of which the Provost Marshal has notice, he may deal with the proceeds of such sale in the same manner as he would have done had no notice of the presentation of a bankruptcy petition been served on him.

Proceeds of sale
and seizure of
goods.

LXXIX. Where a bankrupt is in the receipt of a salary or income, however derived, the Court, upon the application of the trustee, shall from time to time make such order as it thinks just for the payment of such salary or income, or of any part thereof, to the trustee during the bankruptcy, and to the Registrar, if necessary, after the close of the bankruptcy, to be applied by him in such manner as the Court may direct.

Appropriation of
portion of salary
to creditors.

LXXX. Any settlement of property made by a trader not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of such settlement, be void as against the trustee of the bankrupt appointed under this Act, and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of such settlement, unless the parties claiming under such settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in such settlement, be void against such trustee. Any covenant or contract made by a trader, in consideration of marriage, for the future settlement upon or for his wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall, upon his becoming bankrupt before such property or money has been actually transferred or paid pursuant to such contract or covenant, be void against his trustee appointed under this Act.

Avoidance of
voluntary settle-
ments.

"Settlement" shall, for the purposes of this section, include any conveyance or transfer of property.

Avoidance of
fraudulent pre-
ferences.

LXXXI. Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own monies in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall if the person making, taking, paying, or suffering the same become bankrupt, within three months after the date of making, taking, paying, or suffering the same, be deemed fraudulent and void as against the trustee of the bankrupt appointed under this Act; but this section shall not affect the rights of a purchaser, payee, or incumbrancer in good faith and for valuable consideration.

Payment of
money by agents
to trustee.

LXXXII. Any treasurer or other officer, or any banker, attorney, or agent of a bankrupt, shall pay and deliver to the trustee all monies and securities in his possession or power, as such officer or agent, if he be not by law entitled to retain as against the bankrupt or the trustee; if he do not he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the trustee.

Protection of cer-
tain transactions
with bankrupt.

LXXXIII. Nothing in this Act contained shall render invalid,—

1. Any payment made in good faith and for value received to any bankrupt before the date of the order of adjudication by a person not having at the time of such payment notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication.
2. Any payment or delivery of money or goods belonging to a bankrupt, made to such bankrupt by a depositary of such money or goods before the date of the order of adjudication, who had not at the time of such payment or delivery notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication.
3. Any contract or dealing with any bankrupt, made in good faith and for valuable consideration, before the date of the order of adjudication, by a person not having, at the time of making such contract or dealing, notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication.

Protection of
certain transac-
tions entered
into by or in
relation to the
property of the
bankrupt.

LXXXIV. Subject and without prejudice to the provisions of this Act relating to the proceeds of the sale and seizure of goods of a trader, and to the provisions of this Act avoiding certain settlements, and avoiding, on the ground of their constituting fraudulent preferences, certain conveyances, charges, payments, and judicial proceedings, the following transactions by and in relation to the property of a bankrupt shall be valid, notwithstanding any prior act of bankruptcy:

1. Any disposition or contract with respect to the disposition of property by conveyance, transfer, charge, delivery of goods, payment of money, or otherwise howsoever made by any bankrupt in good faith and for valuable consideration, before the date of the order of adjudication, with any person not having at the time of the making of such disposition of property notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication.
2. Any execution or attachment against the land of the bankrupt, executed in good faith by seizure before the date of the order of adjudication, if the person on whose account such execution or attachment was issued had not at the time of the same being so executed by seizure notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication.

3. Any execution or attachment against the goods of any bankrupt, executed in good faith by seizure and sale before the date of the order of adjudication, if the person on whose account such execution or attachment was issued had not at the time of the same being executed by seizure and sale notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication.

As to Discovery of Bankrupt's Property.

LXXXV. The Court may, on the application of the trustee, at any time after an order of adjudication has been made against a bankrupt, summon before it the bankrupt or his wife, or any person whatever known or suspected to have in his possession any of the estate or effects belonging to the bankrupt, or supposed to be indebted to the bankrupt, or any person whom the Court may deem capable of giving information respecting the bankrupt, his trade dealings or property, and the Court may require any such person to produce any documents in his custody or power relating to the bankrupt his dealings or property; and if any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce such documents, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant addressed as aforesaid, cause such person to be apprehended and brought up for examination.

Power of Court to summon persons before it suspected of having property of bankrupt.

LXXXVI. The Court may examine upon oath, either by word of mouth or by written interrogatories, any person so brought before it in manner aforesaid concerning the bankrupt, his dealings or property.

Examination of parties by Court.

LXXXVII. If any person on examination before the Court admit he is indebted to the bankrupt, the Court may, on the application of the trustee, order him to pay to the trustee, at such time, and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

Order of Court for payment of amount admitted on examination.

LXXXVIII. Any person acting under warrant of the Court may seize any property of the bankrupt divisible amongst his creditors under this Act, and in the bankrupt's custody or possession, or in that of any other person, and with a view to such seizure may break open any house, building, or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search warrant to any constable or prescribed officer of the Court, who may execute the same according to the tenor thereof.

Seizure of property of bankrupt.

Joint and Separate Estates.

LXXXIX. Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm, may present such petition against any one or more partners of such firm without including the others.

One partner may be petitioned against.

XC. Where there are more respondents than one to a petition the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

Dismissal of petition against some respondents.

XCI. Where one member of a partnership has been adjudicated a bankrupt, any other petition for adjudication against a member of the same partnership shall be filed in or transferred to the Court in which

Property of partners to be vested in same trustee

the first-mentioned petition is in course of prosecution, and unless the Court otherwise directs the property of such last-mentioned member shall vest in the trustee appointed in respect of the property of the first-mentioned member of the partnership, and the Court may give such directions for amalgamating the proceedings in respect of the properties of the members of the same partnership as it thinks just.

Joint creditor may prove for purpose of voting.

XCII. If one partner of a firm is adjudged bankrupt, any creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat, but shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

Joint and separate dividends.

XCIII. Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of any person interested, be declared together; and the expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the work done for and the benefit received by each property.

Suits by trustee and bankrupt's partners.

XCIV. Where a member of a partnership is adjudged bankrupt, the Court may authorise the trustee, with consent of the creditors, certified by a special resolution, to commence and prosecute any action or suit in the names of the trustee and of the bankrupt's partner; and any release by such partner of the debt or demand to which the action or suit relates, shall be void; but notice of the application for authority to commence the action or suit shall be given to such partner, and he may show cause against it; and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action or suit, and if he does not claim any benefit therefrom, he shall be indemnified against costs in respect thereof as the Court directs.

Evidence.

Evidence of proceedings at meeting of creditors.

XCV. The Registrar, or any other person presiding at a meeting of creditors under this Act, shall cause minutes to be kept and duly entered in a book of all resolutions and proceedings of such meeting, and any such minute, as aforesaid, if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had, shall be received as evidence in all legal proceedings, and until the contrary is proved every general meeting of the creditors in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had to have been duly passed and had.

Evidence of proceedings in bankruptcy.

XCVI. Any petition or copy of a petition in bankruptcy, any order or copy of an order made by any Court having jurisdiction in bankruptcy, any certificate or copy of a certificate made by any Court having jurisdiction in bankruptcy, any deed or copy of a deed of arrangement in bankruptcy, and any other instrument or copy of an instrument, affidavit, or document, made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, may, if any such instrument as aforesaid or copy of an instrument, appears to be sealed with the seal of any Court having jurisdiction, or purports to be signed by any judge having jurisdiction in bankruptcy under this Act, be receivable in evidence in all legal proceedings whatever.

Death of witness.

XCVII. In the case of the death of the bankrupt or his wife, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the deposition of the person so deceased, purporting to

be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

XCVIII. Repealed by "The Supreme Court Act, 1896."

Miscellaneous.

XCIX. Any person to whom anything in action belonging to the bankrupt is assigned in pursuance of this Act may bring or defend any action or suit relating to such thing in action in his own name. Power of assignee to sue.

C. Where a bankrupt is a contractor in respect of any contract jointly with any other person or persons, such person or persons may sue or be sued in respect of such contract, without the joinder of the bankrupt. Saving as to joint contracts.

CI. Every deed, conveyance, assignment, surrender, admission, or other assurance relating solely to freehold or leasehold property, or to any mortgage, charge, or other incumbrance on, or any estate, right, or interest in any real or personal property which is part of the estate of any bankrupt, and which after the execution of such deed, conveyance, assignment, surrender, admission or other assurance, either at law or in equity, is or remains the estate of the bankrupt or of the trustee under the bankruptcy, and every power of attorney, proxy paper, writ, order, certificate, affidavit, bond, or other instrument or writing relating solely to the property of any bankrupt or to any proceeding under any bankruptcy, shall be exempt from stamp duty (except in respect of fees under this Act). Exemption of deeds, &c., from stamp duty.

CII. Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of such limited time the same shall be taken as exclusive of the day of such date or of the happening of such event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at latest on the last day of such limited time according to such computation, unless such last day is a Sunday, Christmas Day, Good Friday, or a day appointed to be kept as a public holiday, or for public fast, humiliation, or thanksgiving, in which case, any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified. Computation of time.

Where by this Act any act or proceeding is directed to be done or taken on a certain day, then if that day happens to be one of the days in this section specified, such act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

CIII. Where a bankrupt is a trustee within the Trustee Act, 1850, section 32 of that Act shall have effect so as to authorise the Court to appoint a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears to the Court expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly. Removal of bankrupt from trusteeship.

CIV. A debtor may petition for an adjudication of bankruptcy against himself, and the proceedings on such petition shall be, where not herein provided for, such as may be prescribed by rules to be made under the provisions of this Act. A debtor may petition against himself.

PART V.

PERSONS HAVING PRIVILEGE OF ASSEMBLY.

CV. If a person having privilege as a member either of the Legislative Council or House of Assembly commits an act of bankruptcy he may be dealt with under this Act in like manner as if he had not such privilege. Privilege no exemption.

PART VI.

LIQUIDATION BY ARRANGEMENT.

Regulations.

Regulations as to
liquidation by
arrangement.

CVI. The following regulations shall be made with respect to the liquidation by arrangement of the affairs of the debtor:

1. A debtor unable to pay his debts may summon a general meeting of his creditors, and such meeting may, by a special resolution as defined by the Act, declare that the affairs of the debtor are to be liquidated by arrangement and not in bankruptcy, and may at that or some subsequent meeting, held at an interval of not more than a week, appoint a trustee, with or without a committee of inspection.
2. All the provisions of this Act relating to a first meeting of creditors, and to subsequent meetings of creditors in the case of a bankruptcy, including the description of creditors entitled to vote at such meetings, and the debts in respect of which they are entitled to vote, shall apply respectively to the first meeting of creditors, and to subsequent meetings of creditors, for the purposes of this section, subject to the following modifications:
 - (a.) That every such meeting shall be presided over by such chairman as the meeting may elect; and
 - (b.) That no creditor shall be entitled to vote until he has proved by a statutory declaration a debt provable in bankruptcy to be due to him, and the amount of such debt, with any prescribed particulars; and any person wilfully making a false declaration in relation to such debt shall be guilty of a misdemeanor.
3. The debtor, unless prevented by sickness or other cause satisfactory to such meeting, shall be present at the meeting at which the special resolution is passed, and shall answer any inquiries made of him, and he, or if he is so prevented from being at such meeting, some one on his behalf shall produce to the meeting a statement showing the whole of his assets and debts and the names and addresses of the creditors to whom, his debts are due.
4. The special resolution, together with the statement of the assets and debts of the debtor, and the name of the trustee appointed, and of the members, if any, of the committee of inspection, shall be presented to the Registrar, and it shall be his duty to inquire whether such resolution has been passed in manner directed by this section, but if satisfied that it was so passed, and that a trustee has been appointed with or without a committee of inspection, he shall forthwith register the resolution and the statement of the assets and debts of the debtor, and such resolution and statement shall be open for inspection on the prescribed conditions, and the liquidation by arrangement shall be deemed to have commenced as from the date of the appointment of the trustee.
5. All such property of the debtor as would, if he were made bankrupt, be divisible amongst his creditors shall, from and after the date of the appointment of a trustee, vest in such trustee under a liquidation by arrangement, and be divisible amongst the creditors, and all such settlements, conveyances, transfers, charges, payments, obligations, and proceedings, as would be

void against the trustee in the case of a bankruptcy, shall be void against the trustee in the case of liquidation by arrangement.

6. The certificate of the Registrar in respect of the appointment of any trustee in the case of a liquidation by arrangement shall be of the same effect as a certificate of the Court to the like effect in the case of a bankruptcy.
7. The trustee under a liquidation shall have the same powers, and perform the same duties, as a trustee under a bankruptcy, and the property of the debtor shall be distributed in the same manner as in a bankruptcy; and, with the modification hereinafter mentioned, all the provisions of this Act shall, so far as the same are applicable, apply to the case of a liquidation by arrangement in the same manner as if the word "bankrupt" included a debtor whose affairs are under liquidation, and the word "bankruptcy" included liquidation by arrangement; and in construing such provisions the appointment of a trustee under a liquidation shall, according to circumstances, be deemed to be equivalent to and a substitute for the presentation of a petition in bankruptcy, or the service of such petition or an order of adjudication in bankruptcy.
8. The creditors at their first or any general meeting may prescribe the bank into which the trustee is to pay any monies received by him and the sum which he may retain in his hands.
9. The provisions of this Act with respect to the close of the bankruptcy, discharge of a bankrupt, to the release of the trustee, and to the audit of accounts by the Registrar, shall not apply in the case of a debtor whose affairs are under liquidation by arrangement; but the close of the liquidation may be fixed, and the discharge of debtor and the release of the trustee may be granted, by a special resolution of the creditors in general meeting, and the accounts may be audited in pursuance of such resolution, at such time and in such manner and upon such terms and conditions as the creditors think fit.
10. The trustee shall report to the Registrar the discharge of the debtor, and a certificate of such discharge given by the Registrar shall have the same effect as an order of discharge given to a bankrupt under this Act.
11. Rules of Court may be made in relation to proceedings on the occasion of liquidation by arrangement, in the same manner and to the same extent and of the same authority as in respect to proceedings in bankruptcy.
12. If it appear to the Court, on satisfactory evidence, that the liquidation by arrangement cannot, in consequence of legal difficulties, or of their being no trustee for the time being, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, the Court may adjudge the debtor a bankrupt, and proceedings may be had accordingly.
13. Where no committee of inspection is appointed, the trustee may act on his own discretion in cases where he would otherwise have been bound to refer to such committee.
14. In calculating a majority, on a special resolution for the purposes of this section, creditors whose debts amount to sums not exceeding ten pounds shall be reckoned in the majority in value, but not in the majority in number.

PART VII.

COMPOSITION WITH CREDITORS.

Regulations.

Regulations as to
composition by
creditors.

CVII. The creditors of a debtor unable to pay his debts may, without any proceedings in bankruptcy, by an extraordinary resolution, resolve that a composition shall be accepted in satisfaction of the debts due to them from the debtor.

An extraordinary resolution of creditors shall be a resolution which has been passed by a majority in number and three-fourths in value of the creditors of the debtor, assembled at a general meeting to be held in the manner prescribed, of which notice has been given in the prescribed manner, and has been confirmed by a majority in number and value of the creditors assembled at a subsequent general meeting, of which notice has been given in the prescribed manner, and held at an interval of not less than seven days nor more than fourteen days from the date of the meeting at which such resolution was first passed.

The calculating a majority for the purposes of a composition under this section, creditors whose debts amount to sums not exceeding ten pounds shall be reckoned in the majority in value, but not in the majority in number, and the value of the debts of secured creditors shall, as nearly as circumstances admit, be estimated in the same way, and the same description of creditors shall be entitled to vote at such general meetings as in bankruptcy.

The debtor, unless prevented by sickness or other cause satisfactory to such meetings, shall be present at both the meetings at which the extraordinary resolution is passed, and shall answer any inquiries made of him, and he, or if he is so prevented from being at such meetings, some one on his behalf, shall produce to the meetings a statement showing the whole of his assets, and debts, and the names and addresses of the creditors to whom such debts respectively are due.

The extraordinary resolution, together with the statement of the debtor as to his assets and debts, shall be presented to the Registrar, and it shall be his duty to inquire whether such resolution has been passed in manner directed by this section, and if satisfied that it has been so passed he shall forthwith register the resolution and statement of assets and debts, but until such registration has taken place such resolution shall be of no validity; and any creditor of the debtor may inspect such statement at prescribed times, and on payment of such fee, if any, as may be prescribed.

The creditors may by an extraordinary resolution add to or vary the provisions of any composition previously accepted by them, without prejudice to any persons taking interest under such provisions who do not assent to such addition or variation; and any such extraordinary resolution shall be presented to the Registrar in the same manner and with the same consequences as the extraordinary resolution by which the composition was accepted in the first instance.

The provisions of a composition accepted by an extraordinary resolution in pursuance of this section shall be binding on all the creditors whose names and addresses, and the amount of the debts due to whom, are shown in the statement of the debtor produced to the meetings at which the resolution has passed, but shall not affect or prejudice the rights of any other creditors.

Where a debt arises on a bill of exchange or promissory note, if the debtor is ignorant of the holder of any such bill of exchange or promissory note, he shall be required to state the amount of such bill or note,

the date on which it falls due, the name of the acceptor or person to whom it is payable, and any other particulars within his knowledge respecting the same, and the insertion of such particulars shall be deemed a sufficient description of the creditor of the debtor in respect of such debt, and any mistake made inadvertently by a debtor in the statement of his debts may be corrected after the prescribed notice has been given, with the consent of a general meeting of his creditors.

The provisions of any composition made in pursuance of this section may be enforced by the Court on a motion made in a summary manner by any person interested, and any disobedience of the order of the Court made on such motion shall be deemed to be a contempt of Court.

Rules of Court may be made in relation to proceedings on the occasion of the acceptance of a composition by an extraordinary resolution of creditors in the same manner and to the same extent and of the same authority as in respect of proceedings in bankruptcy.

If it appear to the Court, on satisfactory evidence that a composition under this section cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, the Court may adjudge the debtor a bankrupt, and proceedings may be had accordingly.

CVIII. The registration by the Registrar of a special resolution of the creditors on the occasion of a liquidation by arrangement under Part Six of this Act, or of an extraordinary resolution of the creditors on the occasion of a composition under the Seventh Part of this Act, shall, in the absence of a fraud, be conclusive evidence that such resolutions respectively were duly passed and all the requisitions of this Act in respect of such resolutions complied with.

Registration of resolutions of creditors conclusive in certain cases.

SCHEDULE.

Description of Traders.

Apothecaries, auctioneers, bankers, brokers, builders, carpenters, carriers, keepers of inns, taverns, hotels, or coffee houses, lime burners, livery stable keepers, printers, shipowners, shipwrights, victuallers, warehousemen, wharfingers, persons insuring ships or their freight or other matters against perils of the sea, persons using the trade of merchandize by way of bargaining, exchange, bartering, commission, consignment, or otherwise, in gross or by retail, and persons who, either for themselves or as agents or factors for others, seek their living by buying and selling or buying and letting for hire goods or commodities, or by the workmanship or the conversion of goods or commodities; but a farmer, grazier, common labourer, or workman for hire, shall not, nor shall a member of any partnership, association, or company which cannot be adjudged bankrupt under this Act, be deemed as such a trader for the purposes of this Act.

No. 3.

34 Vic. c. 5. *An Act to amend "The Bankruptcy Act, 1870."* (Assented to 7th March, 1871.)

WHEREAS frauds may be perpetrated upon creditors by insolvent debtors departing from the colony or departing from the Island of New Providence, where the sittings of the Court of Bankruptcy are holden, before the necessary proceedings can be taken to make them bankrupt; May it, &c.

PREAMBLE.

Provisions of
Bankruptcy Act,
1870, extended.

I. That the provisions of the Bankruptcy Act, 1870, be extended in manner following:

The Court may, by warrant addressed to any constable or prescribed officer of the Court, cause a debtor to be arrested and safely kept as prescribed until such time as the Court may order, if, after a debtor's summons has been granted in the manner prescribed by the said Act, and before a petition of bankruptcy can be presented against him, it appear to the Court that there is probable reason for believing that he is about to quit the Bahama Islands or depart from the Island of New Providence, with a view of avoiding payment of the debt for which the summons has been granted, or of avoiding service of a petition of bankruptcy, or of avoiding appearing to such petition, or of avoiding examination in respect of his affairs, or otherwise avoiding, delaying, or embarrassing proceedings in bankruptcy: Provided always, that nothing herein contained shall be construed to alter or qualify the right of the debtor to apply to the Court in the prescribed manner to dismiss the said summons as in the said Act is provided, or to pay, secure, or compound for the said debt within the time by the said Act provided, without being deemed to have committed an act of bankruptcy; And provided also, that upon any such payment or composition being made, or such security offered as the Court shall think reasonable, the said debtor shall be discharged out of custody, unless the Court shall otherwise order.

When arrest not
valid.

II. No arrest shall be valid or protected under this Act unless the debtor, before or at the time of his arrest, shall be served with the debtor's summons.

Security for debt
given after
arrest.

III. No payment or composition of a debt made, or security for the same given after an arrest made under the provisions of this Act, shall be exempted from the provisions of the said Act relating to fraudulent preferences.

Construction of
terms.

IV. The terms used in this Act shall have the same meaning as they have in the said recited Act, and this Act shall be read and construed therewith.

Costs and fees.

V. The costs and fees to be charged in respect of any proceedings authorised shall be prescribed in the like manner in which costs and fees are to be charged in respect of proceedings under the Bankruptcy Act, 1870, are respectively directed by that Act to be prescribed.

Short title.

VI. In citing this Act in any other Acts of Assembly or in any instrument, document, or proceeding, it shall be sufficient to use the words and figures, "The Bankruptcy Amendment Act, 1871."

No. 4.

35 Vic. c. 5. *An Act to explain the Act 33 Vic. c. 9, for the abolition of Imprisonment for Debt and for the Punishment of Fraudulent Debtors.* (Assented to 14th March, 1872.)

PREAMBLE.

WHEREAS in and by the 3rd section of the Act 33 Vic. c. 9, for the abolition of imprisonment for debt and for the punishment of fraudulent debtors, it is enacted "that all Acts and parts of Acts of the General Assembly of the Bahama Islands heretofore enacted, which are repugnant to the provisions of this Act, shall be, and the same are hereby repealed."

And whereas it is expedient specially to designate the enactments which come within the operation of the said 3rd section; May it, &c.

The following enactments and no other shall be deemed and held to come within the operation of the said third section of the said Act of the 33rd year of Her Majesty's reign, that is to say:—

Enactments
specified as
coming within
operation of and
repealed by Act
33 Vic. c. 9.

The 4th and 6th sections 43 Geo. 3, c. 3.

The 3rd section 45 Geo. 3, c. 21.

The 3rd, 5th, 6th, 7th, 8th, 9th, and 10th sections 8 Vic. c. 23, and the Schedule to the said Act.

The 14th section 8 Vic. c. 30.

The 102nd and 103rd sections 17 Vic. c. 20.

The 43rd, 44th and 45th sections Vic. c. 19.

The 20th, 21st and 22nd sections 23 Vic. c. 25.

The 10th and 11th sections 29 Vic. c. 34, with the Schedule to the said Act; and

The 30th Vic. c. 2.

CLASS VI.

SUPREME COURT: ESCHEAT SIDE.

No. 1.

34 Vic. c. 9. *An Act to declare the Law and Practice in cases of Escheat.*
(Assented to 22nd March, 1871.)

I. The General Court on its Equity side shall have jurisdiction in all causes and questions of escheat, and shall have, and such Court is hereby invested with, full power and authority to entertain, decide, and finally adjudicate in and on all such causes and questions aforesaid.

Equity side of
General Court to
decide all cases
of escheat.

II. Upon the Attorney-General receiving notice, or otherwise becoming aware of, or having reasonable cause to believe that any property is liable to be escheated to the Crown, it shall be lawful for him to exhibit, and cause to be filed on the Equity side of the General Court an information describing the property in general or other terms, and setting forth concisely the grounds on which the escheat thereof is claimed; and on such information being filed, a writ of summons shall issue under the seal of the said Court in manner hereinafter provided for, requiring all persons claiming interest in the property sought to be escheated to appear and claim the same.

Proceedings in
cases of escheat.

III. Every such writ of summons shall be tested in the name of the Chief Justice, shall issue on special motion made before and order thereupon granted by the said Chief Justice, shall be served by the Provost Marshal, and shall be returned immediately after service into the registry of the said Court and be there filed by the Registrar.

Issue of writ of
summons.

IV. Every writ of summons issued under this Act shall be served in such manner as the Chief Justice in the order granting the same shall direct, and in addition thereto a notice of such writ having issued and of the purport and intent thereof shall be published in the official gazette of the colony, in the three issues thereof next after the date of such writ.

Writ to be pub-
lished in official
gazette.

V. Any person claiming title to, or in any property sought to be escheated under this Act, may at any time within three months after the return of the writ of summons, and also by leave of the Chief Justice at any time afterwards before final judgment, appear to the said writ and contest the right of the Crown to escheat such property: Provided, that leave to appear after the expiration of three months shall only be given

Three months
allowed to con-
test Crown's
right to escheat
property.

Mode of entering
appearance.

on special motion of the intention to make which motion notice shall have been previously given to the Attorney-General.

VI. The mode of appearance shall be by entering a memorandum in writing to the effect following in the Appearance Book kept in the Registry of the said Court: "A.B. (naming the claimant), of (inserting place of abode and addition), appears to a writ of summons dated the day of 18 (inserting correct date) issued under the 'Escheat Act, 1871,' to contest the right of the Crown to escheat the property referred to in the said writ.

"A. B. or

"C. D. Attorney for the above-named A. B.

"Entered the day of 18 (inserting correct date)."

Appearance entered to put at issue the right of the Crown to escheat.

VII. Every appearance entered under this Act shall be considered to traverse and put in issue the right of the Crown to escheat the property in question, and it shall not be necessary for the party appearing to file an answer, nor shall any further pleadings be requisite or allowed, but the Court shall proceed to the examination of witnesses, the taking of other proofs, and to final hearing and judgment in the same and the like manner as is observed in other causes and proceedings in the said Court.

Ex parte hearing to take place when no appearance entered.

VIII. If an appearance shall not be entered to any writ of summons issued under this Act, it shall be lawful for the Attorney-General at any time after the expiration of the period fixed by this Act for entering appearances, to apply to the Chief Justice to set the cause down for hearing *ex parte*, and it shall be lawful for the Chief Justice to make an order accordingly fixing a day for the holding of a Court for the public hearing of the cause, of which day notice shall be given by the Registrar in the official gazette.

Crown must establish its right to escheat.

IX. At every hearing of an information filed under this Act, whether after appearance or *ex parte*, it shall be incumbent on the Crown to establish to the satisfaction of the Court the right of the Crown to escheat the property on the grounds or some one or more of the grounds alleged in the information, and if the Crown fail in doing so to the satisfaction of the Court the information shall be dismissed.

Re-hearing allowed when decision against Crown.

X. If the decision of the Court in any cause or proceeding under this Act shall be against the Crown, it shall nevertheless be lawful for the Attorney-General, within three months after judgment pronounced, to file a petition for re-hearing either upon the ground of the discovery of fresh evidence or upon any other legal or equitable grounds which he may consider entitle the Crown to a re-hearing of the cause.

Re-hearing allowed when decision against subject.

XI. If the decision of the Court in any cause or proceeding as aforesaid shall be in favour of the Crown, it shall nevertheless be lawful for any person claiming title to the property in respect of which the decision has been given, and whether such person shall have appeared in the original cause or not, within three months after such decision shall have been pronounced, to file a petition for re-hearing, setting forth the particulars of the petitioner's claim to the property and the grounds on which a re-hearing of the cause is claimed.

Writ of possession to issue.

XII. After final judgment given in any cause or proceeding under this Act, possession of the property in question in such cause or proceeding shall be given to the party entitled thereto by a writ of possession to be issued under the Seal of the Court in such form as may be prescribed for the purpose to be directed to and executed by the Provost Marshal.

Re-hearing to be regulated by rules.

XIII. The mode of procedure in reference to petitions for re-hearing shall be regulated by rules to be framed from time to time by the Chief Justice, and it shall in all cases be in the discretion of the Chief Justice whether a re-hearing shall be allowed or not, and if allowed whether any

and what terms as to payment of or security to be given for costs or otherwise shall be imposed on the party petitioning.

XIV. It shall be lawful for the Court from time to time to fix and establish by order of Court, tables of fees and costs to be charged in all causes and proceedings under this Act, and also to establish forms of Writs, Notices, and other proceedings, and also from time to time to alter such tables and forms.

Table of fees and costs.

XV. All costs and other expenses incurred by and on the part of the Crown in any cause or proceeding under this Act shall be a charge on the casual revenues of the Crown in the colony, and shall be paid thereout by warrant of the Governor, and costs incurred by any person adversely to the Crown in any such cause or proceeding, if ordered by the Court to be borne by the Crown, shall in like manner be a charge on such revenues and shall be paid as aforesaid.

Costs, how paid.

XVI. An appeal shall lie from any judgment or decree of the said Court pronounced in any cause or proceeding under this Act in the same and the like manner as appeals now lie from judgments or decrees of the said Court in other causes or proceedings, and all such appeals shall be allowed and prosecuted in the same and the like manner as is now provided for by law.

How appeals may be prosecuted.

XVII. The word "property" in this Act shall comprise personal as well as real property, but shall not be held to refer to droits of the Crown or droits in Admiralty. The words "Chief Justice" shall mean the Officer acting as Chief Justice or Chief Judicial Officer of the Colony for the time being. The words "Attorney-General" shall mean the person acting as Attorney-General or Law Adviser of the Crown in the colony for the time being. The words "Provost-Marshal" shall mean the person acting as Provost-Marshal for the time being, as also any person acting under deputation from the Provost-Marshal. The word "Registrar" shall mean the person for the time being acting as Registrar of the said General Court on its Equity side; and the words "Official Gazette" shall mean any newspaper in which Official or Government Notices are printed.

Defining the word "Property" and official additions of certain offices.

XVIII. The Act may be cited for all purposes as "The Escheat Name. Act, 1871."

No. 2.

35 Vic. c. 4. *An Act to amend the Escheat Act, 1871.* (Assented to 14th March, 1872.)

The period of three months limited by the tenth and eleventh sections of the said Act for filing petitions for re-hearing shall be and the same is hereby extended to twelve months.

Time of re-hearing extended.

CLASS VII.

SUPREME COURT: SUMMARY SIDE.

No. 1.

59 Vic. c. 26. *An Act for the constitution of a Supreme Court and for other purposes relating to the better administration of Justice in the Bahamas.* (Assented to 30th April, 1896.)

XL. Where the amount sought to be recovered or the value of the property in dispute or the rent in arrear in any cause not a criminal proceeding by the Crown does not exceed Fifty Pounds and is not a

Summary jurisdiction of the Court between £50 and £10.

small cause within the meaning of this Act, the same shall be tried, heard, and determined by the Court in a summary manner. And the jurisdiction conferred by this section shall be deemed to be exercised by the Supreme Court on its Summary side. And the Chief Justice shall sit for the trial of such causes on such days and at such times as the Chief Justice may direct. Provided that it shall be lawful for the Chief Justice if he thinks it expedient to direct that any action commenced on the Summary side of the Court be tried by a jury at the sessions.

Proviso as to
procedure there-
under.

Provided that (until provision is otherwise made under this Act in that behalf) the practice and procedure heretofore applicable to the Court of Common Pleas shall, unless the Court shall otherwise direct, be applicable to the Court on its Summary side.

Application of
Summary Eject-
ment Act.

And that in the Act of Assembly 48 and 49 Victoria, chapter 28, the words "Justice of the Peace acting for the island or district within which the said premises shall be situate" shall, where the premises are situate in New Providence, mean the Court on its Summary side.

CLASS VIII.

CROWN REVENUES, RIGHTS, AND LIABILITIES.

No. 1.

21 Vic c. 22. *An Act entitled "An Act for the Payment of Costs in Proceedings instituted on behalf of the Crown."* (20th April, 1858.)

PREAMBLE.

WHEREAS, in divers proceedings instituted by or on behalf of the Crown against the Queen's subjects, in respect of certain matters relating to the revenue as well as to other cases, no costs are paid by the Crown to the subject: AND WHEREAS it is expedient to assimilate the law as to the recovery of costs in such proceedings, by or on behalf of the Crown, to that in force as to proceedings between subject and subject; May it, &c.

In all informa-
tions, actions,
suits, and other
legal proceedings
pending or to be
instituted in
respect of lands,
tenements, or
hereditaments,
goods, or chattels
accruing to the
Crown, the pro-
ceeds of which
are by law to be
carried to the
credit of the
Crown or Colo-
nial Govern-
ment, Her Ma-
jesty's Attorney-
General shall be
entitled to re-
cover costs where
judgment shall
be given for the
Crown.

I. In all informations, actions, suits, and other legal proceedings now pending, or to be hereafter instituted or prosecuted before any Court or tribunal whatever within these islands, by, or on behalf of the Crown against any Corporation, or person or persons, in respect of any lands, tenements, or hereditaments, or of any goods or chattels belonging or accruing to the Crown, the proceeds whereof, or the rents or profits of which said lands, tenements, or hereditaments by any Act now in force or hereafter to be passed, are to be carried to the credit of the Crown, or of the Colonial Government, or in respect of any sum or sums of money due and owing to Her Majesty by virtue of any bond, specialty, or vote of the Assembly of these islands, for the service of the Crown or the Colonial Government, or of any Act of Assembly relating to the public revenue, or in respect of any other civil proceeding to be, or already commenced by the Crown, Her Majesty's Attorney-General shall be entitled to recover costs for and on behalf of Her Majesty, where judgment shall be given for the Crown, in the same manner, and under the same rules, regulations, and provisions as are or may be in force, touching the payment or receipt of costs in proceedings between subject and subject.

When in any
such suits judg-
ment shall be

II. If in any such information, action, suit, or other proceedings judgment shall be given against the Crown, the defendant or defendants

shall be entitled to recover costs in like manner, and subject to the same rules and provisions, as though such proceeding had been had between subject and subject; and when any such information, action, suit, or other proceeding has been instituted for the recovery of any moneys which, if recovered, would have been payable into the public treasury in aid of the general revenue of the colony, it shall be lawful for the Receiver-General and Treasurer, and he is hereby required under any warrant for that purpose granted by the Executive Council, to pay such costs out of any moneys which may be, or may come into his hands for the use of the general revenue, or which may be voted by the General Assembly for that purpose.

given against the
Crown, costs to
be paid out of
public treasury.

No. 2.

36 Vic. c. 6. *An Act to declare the right of the Crown in respect of Actions relating to Real Estate.* (Assented to 29th January, 1873.)

WHEREAS, in and by an Act of the General Assembly of the Bahama Islands, passed in the fortieth year of the reign of King George the Third, entitled an Act to declare how much of the Laws of England are practicable within the Bahama Islands, and ought to be in force within the same, it is amongst other things enacted that all and every the Acts and Statutes, and parts of Acts and Statutes of the Parliament of England, or of Great Britain, which relate to the prerogatives of the Crown, are and of right ought to be of full force and virtue within this colony, as the same would be if the Bahama Islands were therein expressly named, or as if the aforesaid Acts and Statutes had been made and enacted by the General Assembly of these islands; but doubts have arisen as to the application of such general enactment to the limitations of actions brought concerning lands, tenements, and other real estates:

PREAMBLE.

And whereas, by the law of England as it now exists, the period of sixty years is fixed as the limit beyond which no such actions, as aforesaid, can be commenced, and it is expedient that the same limit should be established in this colony; May it, &c.

I. The Queen's Majesty, her Heirs or Successors shall not at any time hereafter sue, impeach, question, or implead any person or persons for or in any wise concerning any lands, tenements, rents, or hereditaments whatsoever, or for or in any wise concerning the revenues, issues, or profits thereof, or make any title, claim, challenge, or demand of, in, or to the same, or any of them, by reason of any right or title which hath not first accrued and grown, or which shall not hereafter first accrue and grow, within the space of sixty years next, before the filing, issuing, or commencing of every such action or other suit or proceeding as shall at any time or times hereafter be filed, issued, or commenced for recovering the same or in respect thereof: Provided that nothing contained in this Act shall extend to any action or other suit or proceeding commenced before the passing of this Act, but every such action, or other suit, or proceeding shall be prosecuted and proceeded with as if this Act had not been passed.

Limitation of the
Crown's right of
action concern-
ing lands, &c.,
to sixty years.

Proviso.

CLASS IX.

APPEALS.

No. 1.

59 Vic. c. 26. *An Act for the constitution of a Supreme Court and for other purposes relating to the better administration of Justice in the Bahamas.* (Assented to 30th April, 1896.)

APPEALS TO THE PRIVY COUNCIL.

Appeals to Privy Council.

In what cases.

XLI. Where in a civil action a final judgment or order is given or made by the Court determining any claim or question wherein the amount sought to be recovered or the value of the property in dispute is of the amount of Five hundred pounds or upwards; and where the amount sought to be recovered or the value of the property in dispute is less than Five hundred pounds, then by leave of the Court the party aggrieved thereby may appeal to Her Majesty in Council.

Proviso as to security for costs.

Provided that within one month from the date of such judgment or order the appellant gives security to the satisfaction of the Court or the Judge in an amount not exceeding Five hundred pounds for the due prosecution of the appeal and the payment of all such costs as may be awarded to the Respondent by Her Majesty in Council.

Suspension of execution pending appeal.

XLII. Upon the appellant giving security to its satisfaction for the performance of such order as Her Majesty in Council may think fit to make, the Court shall suspend execution pending the appeal of the judgment or order appealed from.

APPEALS FROM MAGISTRATES.

No. 2.

59 Vic. c. 26. *Supreme Court Act, 1896.*

By the 39th Section of this Act it is enacted that all appeals from decisions given in the Magistrates Court in New Providence shall be heard and determined by the Supreme Court.

No. 3.

59 Vic. 27. *Magistrates Act, 1896.*

Section 146 of this Act enacts that an appeal shall lie from the decision of any magistrate given in the exercise of his summary jurisdiction to the Supreme Court where the case has been heard in New Providence; and to a Circuit Justice on circuit where the case has been heard in an out island.

For the procedure on these appeals, see "The Magistrates Act, 1896," *post*, Part 3, Class 10, No. 3, Sections 146 to 169 inclusive.

CLASS X.

JUDGMENT AND EXECUTION AGAINST LAND.

No. 1.

22 Vic. c. 3. *An Act to amend the Laws regulating the Sale of Land under judicial process, and for other purposes.* (Assented to 29th March, 1859.)

IX. That all judgments which have been or shall hereafter be entered up in the said General Court shall bind the real estate of the respective judgment debtors, on and from the day on which such judgments have been or may be respectively filed of record in such Court, and shall take precedence and have priority according to the respective days on which they were or may be so filed of record as aforesaid; and where two or more judgments are filed on the same day, such judgments shall have equal priority, without reference to the particular hour of the day on which the same may have respectively been entered of record, and when any levy is made on the property of a person against whom two or more unsatisfied judgments are standing, either in the said General Court, or in the Court of Common Pleas, or where an attachment of the debts of any such person is made, the proceeds of such levy or attachment shall be applied in liquidation of such judgments in their order of priority: Provided that at the time of such levy or attachment being made, an original or renewed writ of execution from the said General Court, or warrant of execution from the Court of Common Pleas, as the case may be, grounded on the judgment in respect of which priority is claimed has been lodged, and then is in the custody of the Provost Marshal, or officer of the Court of Common Pleas, as the case may be.

Effect and priority of judgments entered up in the General Court.

No. 2.

58 Vic. c. 6. *An Act to provide for the Sale of the Lands and Real Estates of deceased persons under judicial process.* (Assented to 26th April, 1895.)

WHEREAS under an Imperial Statute now repealed passed in the fifth year of the reign of his late Majesty King George the Second entitled "An Act for the more easy recovery of debts in His Majesty's plantations and colonies in America," the lands and real estates within these Islands of deceased persons were declared to be assets for the satisfaction of all debts and demands owing by any such person, and as such liable to be taken in execution and sold in the same manner as personal estates could be levied upon and sold for the satisfaction of debts: PREAMBLE.

And whereas it is desirable that provision should be made by which the law in this respect should be continued as heretofore; May it, &c.

I. From and after the passing of this Act, the lands and real estates within these Islands of any deceased person shall be liable to be taken in execution and sold for the payment of the debts of such person in the same manner as personal estates are now by law liable to be levied upon and sold for satisfaction of debts.

Lands and real estates of deceased persons may be sold for payment of debts.

Levy to be made
by Provost
Marshal.

Application of
other laws.

Former judg-
ments and pro-
ceedings declared
to be valid and
effectual.

II. Where an execution shall be issued out of any Court of the Colony founded upon any judgment, decree, or order entered up or made against a deceased person in his lifetime, or against the personal representative or representatives of any deceased person, the Provost Marshal shall on being required so to do levy on and sell the lands and real estates of such deceased persons.

III. All laws relating to the sale of lands under judicial process shall apply to lands sold under the authority of this Act.

IV. All judgments heretofore entered up by virtue of the aforesaid, Imperial Statute, and all proceedings taken thereupon prior to the repeal of the said Statute, and all judgments entered up thereunder and all proceedings taken thereupon since the repeal of such Statute are hereby declared to be valid and effectual for all purposes.

No. 3.

61 Vic. c. 20. *An Act further to amend "The Supreme Court Act, 1896," and for other purposes.* (Assented to 31st May, 1898.)

See this Act *in extenso*, in this Part, *ante* Class I., No. 3, the fourth, fifth, and sixth sections of which apply to this class.

CLASS XI.

NOTARIES, COUNSEL, AND ATTORNIES.

No. 1.

13 Vic. c. 10. *An Act for the better regulation of Public Notaries within the Bahama Islands.* (March 14th, 1850.)

Qualification for
a notary public.

THAT from and after the passing of this Act, no person shall be capable of being admitted and enrolled as a notary public, to practise within the said Islands, unless such person shall have been bound by contract in writing to serve as a clerk for and during the term of five years, to a practising counsel and attorney of the General Court of these Islands, and shall have duly served under such contract for and during the said term of five years, and also unless such person shall after the expiration of the said term of five years, have been sworn in the manner hereinafter directed: or unless he be a member of the Bar of Great Britain or Ireland, or shall have been sworn an attorney, or solicitor of or in any Court of law or equity in the United Kingdom, and admitted as a counsel and attorney of the General Court of these islands.

Governor em-
powered to grant
licences.

II. That it shall be lawful for the Governor or officer administering the Government of the colony for the time being, on being satisfied of the qualification of any person claiming to be admitted and enrolled as a notary public under the provisions of the preceding section to grant to such person a licence under his seal at arms, authorising such person to practise as a public notary within the Bahama Islands.

Notaries on the
out-islands, how
appointed.

III. That it shall and may be lawful for the Governor or officer administering the Government for the time being from time to time to appoint by commission, under his seal at arms, such persons as he may

deem fit and proper to be public notaries, for the several out-islands and districts, who shall be admitted, sworn, and enrolled as hereinafter directed, but no person so appointed shall practise as a notary, or perform or certify any notarial act whatsoever, out of the island or district specified or limited in his commission, and if any person shall presume so to act, it shall and may be lawful for the Governor or officer administering the Government for the time being, on complaint made in a summary way, and due inquiry made, to revoke the commission of such notary.

IV. Repealed by 18 Vic. c. 12.

V. That from and after the passing of this Act it shall be the duty of the Public Notary at Nassau, to keep an alphabetical roll or book of all public notaries within these islands, whether admitted to practise within the Bahama Islands generally, or any out-island or district of the Government before or after the passing of this Act, together with the date of the licence or commission granted to each and every of them, and the place specified therein for the performance of the functions of their office, and also to administer the requisite oath to all persons who are hereafter to be admitted as notaries.

Public Secretary to keep a book to enter the names of notaries public.

VI. That every person who shall, pursuant to this Act, apply to be admitted a notary public shall, before he be admitted and enrolled as aforesaid, take and subscribe the oath, or if he be one of the people called Quakers, the affirmation following:—

Oath of a notary public.

I, A. B., do swear, or solemnly affirm (as the case may be), that I will truly and honestly demean myself in the office of a notary public, according to the best of my knowledge and ability.—SO
HELP ME GOD.

VII. That from and after the passing of this Act, no person shall be deprived of his licence or commission as a notary public or be suspended from the performance of any act whatsoever, appertaining or belonging to such his office, except he be guilty of some crime, misdemeanor, gross misconduct, negligence, or unskilfulness, which must be represented to, heard, and determined by the Judge of the General Court, either in a summary or such other manner as he shall think expedient, at chambers or in open Court, and if any notary shall thereupon be condemned by the said judge, then and in such case, but not otherwise, it shall and may be lawful for the Governor or officer administering the Government to cause his name to be struck off the roll of notaries, and such person shall be disabled to perform any notarial act whatsoever.

Notaries not to be deprived of their licence except by decision of Judge of General Court.

No. 2.

18 Vic. c. 12. *An Act to amend an Act for the better regulation of Public Notaries.* (March 22nd, 1855.)

I. Repeals fourth section, 13 Vic. c. 10.

II. That any person who shall act as a public notary within these islands not being qualified and licensed or commissioned under the authority of the Act to which this Act is an amendment, or not having been commissioned prior to the passing of the said Act, shall forfeit and pay a penalty of twenty pounds, to be sued for in the name of the Queen in any Court having jurisdiction to the amount, one-half of which penalty shall go to the informer or person who shall sue for the same, and the other half shall be paid into the Public Treasury in aid of the expense of the Government.

Penalty for unlawfully acting as a public notary.

Penalty on any notary permitting his name to be used for the profit of another person not a notary.

III. That any notary who shall permit his name to be used for, or on account, or for the profit or benefit of any person not a notary within the meaning of the said Act, shall and may, upon complaint made and inquired into, as provided for by the said Act, be deprived of his licence or commission.

No. 3.

59 Vic. c. 26. *An Act for the constitution of a Supreme Court and for other purposes relating to the better administration of Justice in the Bahamas.* (Assented to 30th April, 1896.)

Counsel and
attornies.

COUNSEL AND ATTORNIES.

Existing prac-
titioners,

XXII. All persons entitled at the commencement of this Act to practise before the General Court as counsel and attornies may continue to practise as such, and they shall be deemed for all purposes to be counsel and attornies respectively of the Supreme Court.

Admission of
counsel and
attornies.

XXIII. The Court shall have power at any time to approve, admit, or enrol such persons as have been called to the English, Scotch, or Irish Bars; and such persons as have been admitted as attornies in the Superior Courts of Great Britain or Ireland, to practise as counsel and attornies in the Supreme Court.

Proviso.

Provided always, that the Court may, upon cause shown, refuse to admit any person as a counsel or attorney notwithstanding he may have the qualification aforesaid.

Proviso as to
temporary ad-
mission,

Provided also, that the Chief Justice may, if he thinks fit, admit temporarily to practise, until the next sitting of the Court, any member of the English, Scotch, or Irish Bars; but such temporary admission shall not be made permanent until the requirements of the next following section have been complied with, and the applicant is duly approved and admitted by the Court.

Deposit of cer-
tificate.

XXIV. Every person who desires to practise and be admitted under the last preceding section shall deposit with the Registrar his certificate of call to the Bar or of his admission as an attorney, and shall file in the Court an affidavit of his identity in such form as shall be approved by the Chief Justice.

Proviso as to
dispensing with
same.

Provided always, that the Court, and in the case of a temporary admission the Chief Justice, may on cause shown exempt any person from complying with such formalities either absolutely or for any specified period.

Proviso as to
return of to
owner.

Provided also, that after due admission the Court may order such certificate as aforesaid to be returned to the person depositing the same.

Examination and
admission of
students.

XXV. The Court shall have power to admit and enrol to practise, as a counsel and attorney in the Supreme Court, any fit person who has served under articles of clerkship for and during the term of five years continuously in the chambers of a counsel or attorney admitted and enrolled and practising in the Court, and residing in the Colony; and who has passed an examination touching the principles and practice of the law before such person or persons as the Court may from time to time prescribe and appoint; or who has passed an examination held in the Universities of Oxford, Cambridge, Durham, or London, in England or in Dublin, or the Queen's Universities in Ireland, or in any of the Universities in Scotland, and has served under articles of clerkship for the term of four years as aforesaid.

Oath to be taken.

XXVI. Every person before being admitted and enrolled as a counsel and attorney of the Supreme Court shall subscribe the oath or declara-

tion and affirmation of allegiance, and also the oath or declaration and affirmation following, that is to say :

I, A. B., do swear (or solemnly, sincerely, and truly declare and affirm) that I will truly and honestly demean myself as counsel and attorney of the Supreme Court in that and every other Court to which I shall practise in this Colony. So help me God !

XXVII. Every person admitted to practise as a counsel and attorney of the Supreme Court shall cause his name to be enrolled in a book, to be kept for the purpose in the office of the Registrar, and to be called the Roll of the Court; and he shall be entitled to a certificate of enrolment under the seal of the Court. And no person whose name is not enrolled as aforesaid, unless temporarily admitted as hereinbefore provided, shall be entitled to practise as a counsel and attorney in any Court in the Colony. Enrolment,

Provided always that all persons enrolled at the commencement of this Act, in the General Court, shall be deemed to be enrolled in the Supreme Court. And the existing Roll of the General Court shall be deemed to be the Roll of the Supreme Court. Proviso as to existing practitioners and roll,

XXVIII. All persons enrolled as counsel and attorneys of the Supreme Court shall be entitled to practise as such in all Courts in the Colony. And every counsel shall be entitled to practise as an attorney, and to sue for and recover his fees and costs in respect of services rendered as a counsel or attorney; and shall be subject to all the liabilities which by law attach to an attorney. Right to practice in all courts.
To sue for costs,
Liability.

XXIX. Every person practising as an attorney, and whose name is enrolled as aforesaid, shall be deemed to be an officer of the Court. And the laws of England for the time being relating to attorneys, and to the taxation and recovery of costs, shall be extended to the Colony, and shall apply to every such person. To be officers of the Court,

XXX. The Court shall have power for reasonable cause shown to suspend any counsel or attorney from practising within the Colony during any specified period, or to order his name to be struck off the Roll of the Court. Suspension and striking off Roll,

XXXI. No legal practitioner shall be entitled to sue for or recover any fee, reward, or disbursement on account of or in relation to any act or proceeding done or taken by him in his professional capacity, unless he has been duly admitted and enrolled as a counsel and attorney of the Supreme Court. Unenrolled practitioners disabled from recovering costs.

CLASS XII.

JURIES.

No. 1.

26 Vic. c. 6. *An Act for the better regulation of Juries.* (Assented to 26th May, 1863.)

I. That every male inhabitant of the Island of New Providence between the ages of twenty-one and sixty years (except as hereinafter excepted), who shall be seised and possessed in fee simple, fee tail, or for life, of landed estate within these islands, of the value of not less than fifty pounds, or who shall be a householder, and inhabitant as sole tenant upon any improved lot of land in the said Island of New Qualification of jurors.

Providence, of the value of not less than one hundred pounds, shall be qualified, and except exempted by this Act shall be liable to serve on juries, for the trial of issues joined in any of the Courts of law at Nassau, both civil and criminal, and shall also be qualified and liable to serve upon all inquests or inquiries to be taken or made by or before any of the said Courts, by virtue of any writ of inquiry, or by or before any commissioners appointed under the Great Seal of these Islands.

Persons exempt
from serving on
juries.

II. That the following persons only shall be exempted from serving on juries under this Act, any law, usage, or custom to the contrary notwithstanding, that is to say :

Officers of the Army and Navy, and of the several departments appertaining or attached to either of such services, doing duty within these islands, and the persons employed in such departments; members of the Executive and Legislative Councils and members of the House of Assembly, ministers of religion who follow no secular calling other than that of schoolmaster, barristers, counsellors, attorneys, proctors, and solicitors-at-law in actual practice, and their clerks, or apprentices, physicians and surgeons in actual practice, the Colonial Secretary for the time being and the officers of his department, the officers of the Revenue Department, the officers of the Public Bank, the Registrar of Records and his clerk, the Surveyor-General and civil engineer, and his clerk, the Postmaster, the Provost Marshal, the Police Magistrate of the colony, the Clerk of the Crown, and prothonotary of the General Court, the crier of the General Court, the constables attending the General Court, the bailiff of the Court of Common Pleas, the clerk in the New Providence Police Office, the members of the Police Force, the officers of the Nassau Prison, the Harbour Master and all branch pilots of the Bars of New Providence, and all public schoolmasters: Provided that members of the Executive and Legislative Councils and members of the House of Assembly shall not be exempt from serving on special juries, except when the Legislature is in session.

Persons disqualified
from serving
on juries.

III. That no person not being a natural-born subject of the Crown, or a foreigner duly naturalised, is or shall be qualified to serve on juries under this Act, except only in the cases hereinafter expressly provided for; and no man who hath or shall be attainted for any treason or felony or convicted of any crime that is infamous, unless he shall have obtained a free pardon, or any lunatic or idiot, nor any person who cannot read and write in the English language, is or shall be qualified to serve on juries under this Act: Provided, however, that after verdict in any cause, criminal or civil, the verdict shall not be set aside, or voided by reason of any disqualification as aforesaid, in any juror or jurors, not previously challenged or objected to on account of such disqualification.

Justices of the
General Court to
issue precept re-
quiring prepared
list of qualified
jurors.

IV. That the justices of the General Court shall in Easter Term in every year cause a precept to be issued, under the seal of the said Court, directed to such duly qualified person or persons, as such justices may select for the purpose, requiring such person or persons to prepare, make out, and return to the office of the Clerk of the Crown, on or before the first day of June then next ensuing, a true list or lists of all persons residing within the Island of New Providence qualified or liable to serve as jurors under this Act: Provided always, that if from any cause whatsoever any such list shall not be made out and returned within the time aforesaid it shall be lawful for the justices aforesaid to extend the time for making such return to any period not extending beyond the first day of July, and, if necessary, to appoint any other person or persons to make out such list.

V. That the person or persons to whom such precept shall be directed, shall, as soon as possible after the receipt thereof, prepare and make out in alphabetical order, according to the form in the schedule to this Act annexed, marked A, a true list of all persons qualified and liable under this Act to serve as jurors, and shall, on the completion of such list, deliver the same to the Clerk of the Crown at his office in Nassau, who is hereby authorised and required to administer to the person or persons making such return an oath that he or they have truly and impartially set down in the said lists the names of all persons residing in the Island of New Providence, qualified and liable as aforesaid to serve on juries under this Act.

Duty of persons appointed after receipt of such precept.

VI. That the Clerk of the Crown shall, within three weeks after the receipt of any such annual list, record the same in a book to be called the jurors' book, which book shall be open at all reasonable times to the inspection, without payment of any fee, of any inhabitant of the Island of New Providence who may be desirous of inspecting the same.

Duty of Clerk of the Crown after receipt of list.

VII. That if the name of any man not qualified or not liable to serve on juries, as aforesaid, is inserted in any such list of jurors, or jurors' book, it shall be lawful for the presiding justices or justice of the General Court, at any time during the sitting of the said Court, upon satisfactory proof being made of the want of qualification or nonliability of such person, to cause his name to be struck out of such list of jurors or jurors' book, and also to strike thereout the names of men disabled by deafness, blindness, or other permanent infirmity of body, from serving on juries; and it shall be also lawful for such justices or justice as aforesaid, to insert in such list the names of every man omitted thereout, upon proof being made to the satisfaction of such justices or justice of his proper qualification.

The presiding justice may strike off the names of unqualified, or insert the names of any qualified persons.

VIII. That the Clerk of the Crown, immediately after entering the general list of the jurors in the jurors' book, as before directed, shall cause the names of the whole of the jurors therein contained to be written on separate and distinct pieces of parchment or paper, of equal size, which he shall roll, as nearly as may be, in the same manner, and put into the division number one of the jury box belonging to the General Court of these islands, which box shall have two locks and keys of different wards, one of which shall be kept by the Chief Justice, or other presiding justice of the said Court, and the other by the Clerk of the Crown; and shall be and remain in the office of the said Clerk of the Crown and shall not be opened, or any jury drawn therefrom, except as directed by this Act.

Duty of the Clerk of the Crown.

IX. That the first Tuesdays of January, April, July, and October in every year shall be Court days, on which the said General Court shall sit for the purpose of drawing jurors to serve for the then ensuing term, and on such days the justices or presiding justice of the said Court shall cause to be drawn out of the jury box before mentioned forty-eight pieces of parchment or paper, on which shall be written the names of men qualified and liable to serve on juries, and who shall be then actually within the limits of one or other of the parishes in the Island of New Providence, and the men whose names shall be written thereon shall be the jurors to serve for the then ensuing term, for the trial of all issues, criminal as well as civil, joined in the said Court, except such as may be set down to be tried by special juries, and to make all inquiries of damages which lawfully can or may be taken in the said Court; and after the names of the said jurors shall have been correctly written down by the Clerk of the Crown, or some other duly authorised person, the pieces of parchment or paper whereon the names of such jurors are written shall be again rolled up and placed in division number two of the jury box, and shall be so done as often as any jury

A general panel of jurors to be drawn on the first Tuesday in January, April, July, and October, to serve for the ensuing terms.

shall be drawn, until the whole of the names in the division number one shall have been drawn, when they shall in like manner be drawn out of division number two, and returned into division number one, and so alternately from time to time, as the pieces of parchment or paper shall be drawn out of either of the said divisions, in order that every man qualified and liable to serve on juries may be drawn to serve thereon.

Writs of *venire facias juratores* to issue for the summoning of jurors.

X. That after the juries shall be drawn in manner before directed, the said justices, or any one of them, as aforesaid, shall cause a writ of *venire facias juratores* to be issued under the seal of the said General Court, directed to the Provost Marshal of these islands or his lawful deputy, for the purpose of summoning the jurors drawn to serve for such term, and that the Provost Marshal or his lawful deputy, upon receipt of every such writ of *venire facias*, shall cause the several men whose names shall be inserted in the panel thereunto annexed to be duly summoned within the time hereinafter limited; and in case the Provost Marshal or any of his deputies return any person as having been duly summoned to serve as a juror, when in truth such person was not duly summoned, the said Provost Marshal or his deputy so offending shall, upon conviction thereof, be guilty of contempt of Court, punishable by fine and imprisonment, or either, at the discretion of the Court.

Summons to be served three days before the day on which the juror is to attend.

XI. That the summons to serve on juries in the General Court aforesaid shall be made by the Provost Marshal, or his lawful deputy, three days at least before the day on which the juror is to attend, by delivering to the man to be summoned, or in case he shall be absent from the usual place of his abode, by leaving with some person there inhabiting, a note in writing, under the hand of the Provost Marshal, or his deputy, containing the substance of such summons.

Juries, how drawn in Court to try issues.

XII. That the name of each man who shall be summoned for the trial of issues in the aforesaid General Court shall be written on a distinct piece of parchment or paper, such pieces of parchment or paper being all as nearly as may be of equal size, and shall, under the directions and care of the Clerk of the Crown, or the prothonotary of the said Court, be put together in a box to be provided for that purpose, and when any issue shall be brought on to be tried, such Clerk of the Crown or prothonotary as aforesaid shall, in open Court, draw out twelve of the said pieces of parchment or paper, one after another; and if any of the men whose names shall be so drawn shall not appear, or shall be challenged and set aside, then such further number, until twelve men be drawn, who shall appear, and after all just causes of challenge allowed, shall remain as fair and indifferent, and the said twelve men so drawn and appearing, and approved as indifferent, their names being marked in the panel, and they being sworn, shall be the jury to try the issue, and the names of the men so drawn and sworn shall be kept apart by themselves until such jury shall have given in their verdict, and the same shall be recorded, or until such jury shall, by consent of the parties, or by leave of the Court, be discharged, and then the same names shall be returned to the box, there to be kept with the other names, remaining at that time undrawn, and so *toties quoties* as long as any issue remains to be tried: Provided always, that if any issue shall be brought on to be tried in any of the said Courts before the jury in any other issue shall have brought in their verdict, or been discharged, it shall be lawful for the Court to order twelve of the residue of the said pieces of parchment or paper not containing the names of any of the jurors, who shall not have so brought in their verdict, or been discharged, to be drawn in such manner as is aforesaid, for the trial of the issue which shall be so brought on to be tried: Provided also, that where no objection shall be made on behalf of the Queen, or any other party, it shall be lawful for

Proviso, that different issues may be tried by same jurors.

the Court to try any issue with the same jury that shall have previously tried or been drawn to try any other issue without their names being returned to the box and re-drawn, or to order the name or names of any man or men on such jury, whom both parties may consent to withdraw, or who may be justly challenged or excused by the Court, to be set aside, and another name or names to be drawn from the box, and to try the issue with the residue of such original jury, and with such man or men whose name or names shall be so drawn, and so *toties quoties* as long as any issue remains to be tried.

XIII. That it shall and may be lawful for Her Majesty's justices of the General Court, or any one of them, upon motion made upon behalf of the Queen, or upon behalf of any prosecutor, plaintiff or defendant in any case whatsoever, whether civil or criminal, excepting only cases of treason or felony depending in the said General Court, and the said justices are hereby authorised and required, in any of the cases before-mentioned, to order and appoint a special jury to be struck for the trial of any issue joined in any of the said cases, and every jury so struck shall be the jury returned for the trial of such issue.

Justices empowered to order special juries to be struck in certain cases.

XIV. That it shall be the duty of the Chief Justice and the Assistant Justice, or either of them, immediately after the list of jurors for the year shall have been returned, as required by this Act, to select therefrom the names of all merchants, esquires, and other persons whom such Chief Justice or Assistant Chief Justice shall deem qualified to serve as special jurors, and the persons so selected shall form the panel of special jurors for the ensuing twelve months, and the panel so formed shall not be altered during such period.

Duty of justices to select qualified persons as special jurors for one year.

XV. That the names of the jurors selected as aforesaid shall be entered in a book to be called the Special Jury Book, and the clerk shall annually, after making up such special jury book, cause the names of the parties entered therein to be written on distinct pieces of parchment or paper, being all as nearly as may be of equal size, and after the same shall have been so written, shall put the same together in a separate drawer or box, and there safely keep the same, to be used for the purposes hereinafter mentioned.

Duty of Clerk of the Crown relative thereto.

XVI. That whenever a special jury shall be ordered to be struck, the Clerk of the Crown shall appoint a time and place for the nomination of such special jury, notice of which time and place shall be given to all the parties in any of the cases aforesaid, and the Clerk of the Crown, at the time and place appointed, shall in the presence of all the parties in any of the cases aforesaid and of their attorneys (if they respectively choose to attend, or if the said parties or their attorneys all or any of them do not attend then in their absence), put all the said pieces of parchment or paper whereon are written the names of men qualified and liable to serve as aforesaid as special jurors into a box, to be by him provided for that purpose, and after having shaken them together, shall draw out of the said box forty-eight of the said pieces of parchment or paper, one after another, and shall, as each piece is drawn, read aloud the name thereon written, and if at the time of so reading any name, either party, or his, her, or their attorney, shall object that the man whose name shall have been so read is in any manner incapacitated from serving on the said jury, and shall also then and there prove the same to the satisfaction of the said Clerk of the Crown, such name shall be set aside, and the said Clerk of the Crown shall in like manner draw out another piece of parchment or paper and read aloud the name thereon written, which name may in like manner be set aside and other names resorted to according to the mode of proceeding hereinbefore described for the purpose of supplying names in the places of those set aside until the whole number of forty-eight names not liable to be set aside shall be completed; and if it shall so happen that the

Mode of striking special juries.

whole number of forty-eight names cannot be obtained from the special jurors' list, then and in such case the said Clerk of the Crown shall fairly and indifferently take such a number of names from the general list of jurors in addition to those already taken from the special jurors' list as shall be required to make up the full number of forty-eight names, all and every of which forty-eight names shall in such case be equally deemed and taken to be those of special jurors, and the said Clerk of the Crown shall afterwards make out a list of the forty-eight names, and deliver a copy thereof to each party, who shall each strike thereout twelve names, and then return the said lists to the said Clerk of the Crown, and after the lists of jurors shall be so reduced, a writ of *venire facias* shall be issued from the aforesaid Court, directed to the Provost Marshal or his lawful deputy, commanding the said Provost Marshal or his deputy as aforesaid to summon the twenty-four persons whose names remain in such reduced list, and the said Marshal shall then proceed to summon the said jurors in the same and the like manner as is already herein directed to be observed in the summoning of other jurors to serve in the General Court aforesaid.

Party applying for a special jury to pay fees, &c., &c.

XVII. That the party who shall apply for a special jury shall pay the fees for striking such jury, and all the expenses occasioned by the trial of the cause by the same, and shall not have any further or other allowance for the same upon taxation of costs than such party would be entitled to in case the cause had been tried by a common jury, unless the judge before whom the cause is tried shall immediately after the verdict, or in case of a non-suit immediately after the entry of non-suit, certify under his hand upon the back of the record that the same was a cause proper to be tried by a special jury.

Right of the Crown and any person charged with felony respectively to require cause to be tried by a jury drawn from special jury panel.

XVIII. That in any case of felony to be tried in the said General Court, the Attorney-General or other officer representing the Crown, and the accused party shall each have the right to require that the case shall be tried by a jury drawn from the special jury list, and upon motion to that effect being made, a Court shall order accordingly, and the Clerk of the Crown shall thereupon draw from the special jury list the names of thirty-six persons then being within the limits of one or other of the parishes in the Island of New Providence, and the persons whose names are so drawn shall form the jury panel out of which shall be chosen the jury to try such cause; and such persons shall be summoned and their attendance enforced in the same and the like manner as in the case of persons drawn to serve from the general panel of jurors. Provided that no person exempted by this Act from serving on common juries shall be liable to be drawn to serve on any jury ordered to be drawn under this clause.

Mode of appointing viewers.

XIX. That in cases depending in any of the Courts of Record aforesaid, where a view shall be applied for and allowed by any such Court, the same mode of appointing viewers shall be observed, and all subsequent proceedings shall be had as near as may be to the practice of the Courts of Assize and Nisi Prius in England.

Same mode of drawing men to serve on juries to be observed in all Courts.

XX. That the same mode of drawing men to serve on juries shall be observed in other Courts of these islands, as by this Act is directed to be observed in the General Court, the same writs shall issue, the same summonses be made, and the same practice followed in all subsequent proceedings relative to the said juries.

Challenges of jurors allowed.

XXI. That upon the trial of any issue, civil or criminal, in any of the Courts of Record at Nassau, the same and the like challenges of jurors shall be allowed as would be allowed by the Common and Statute Law of England, upon the trial of a like issue in Her Majesty's Courts of Queen's Bench and Common Pleas at Westminster, and further, that the want of qualification under this Act shall also be a good cause of challenge.

XXII. That when a full jury shall not appear before any of the Courts of Record at Nassau, or when after appearance of a full jury by challenge of any of the parties, the jury is likely to remain untaken from the default of jurors, every such Court, upon request made for the Queen, by anyone thereto authorised or assigned by the Court, or on request made by the parties, Plaintiff or Defendant, or their respective Attorneys in any action or suit, whether civil or criminal, shall name and appoint as often as need shall require, so many of such other able and qualified men then present at the said Court, or to be elsewhere found in the Island of New Providence, as shall make up a full jury, and shall add and annex the names of such men duly qualified as shall be present, or can be found as aforesaid to the former panel, and the Queen, by any one so authorised or assigned as aforesaid, and all and every the parties aforesaid, shall and may, in each of the cases aforesaid, have their respective challenges to the jurors so added and annexed, and the Court shall proceed to the trial of every such issue with those jurors who were before empanelled together with the talesmen so newly added and annexed, as if all the said jurors had been returned upon the original writ of *venire facias*.

Talesmen, when and how drawn.

XXIII. That if any man having being duly summoned to attend on any kind of jury in any of the Courts hereinbefore mentioned; shall not attend in pursuance of such summons, or being thrice called shall not answer to his name, or if any such man or any talesman, after having been called shall be present but not appear, or after his appearance shall wilfully withdraw himself from the presence of the Court, the Court shall set such fine upon every such man or talesman so making default (unless some reasonable excuse therefor shall be proved by oath or affidavit) as the Court shall think meet. Provided always, that the said fine shall in no case for one offence exceed the sum of five pounds.

Penalty on jurors not attending after being duly summoned.

XXIV. This section which recognised the right of an alien to be tried by a jury *de medietate lingua*, is repealed by the 5th section 34 Vic. c. 17.

XXV. That all expenses incurred under this Act in making out jury lists, or in procuring jury boxes or books, or in performing any act by this Act required to be performed, and for the payment of which provision has not been made by any other Act of Assembly, shall be defrayed out of the Public Treasury of these islands by warrant in the usual manner.

Expenses under this Act provided for.

XXVI. That nothing herein contained shall extend or be construed to extend, to alter, abridge, or affect any power in authority which any Court or judge now hath, or any practice or form in regard to trials by Jury, Jury process, Juries or Jurors, except in those cases only where any such power or authority, practice or form, is repealed or altered by this Act, or is or shall be inconsistent with any of the provisions thereof.

Nothing herein contained to alter, &c., any power possessed by any Court unless same is repealed or altered by this Act.

XXVII. That this Act may be cited for all purposes as "The Jury Act, 1863."

XXVIII. That from and after the day on which the first Jury list shall be returned to the office of the Clerk of the Crown, under the previous provisions of this Act, the 4 William 4, c. 13; the 2nd, 3rd and 4th sections of 5 William 4, c. 18; the 8 Victoria, c. 18; 11 Victoria, c. 20; and the 6th section, 11 Victoria, c. 21, shall be and the same are hereby declared to be repealed.

Certain Acts of Assembly repealed.

(A).

SCHEDULE.*

RETURN OF MEN QUALIFIED TO SERVE AS JURORS.

No.	Name.	Degree, Trade or Calling.
1.	Adams, John	Merchant.
2.	Armstrong, William	Carpenter.
3.	Bell, Henry	Planter.
4.	Black, Thomas	Esquire.
5.	Cash, James	Shoemaker.
6.	Curry, Richard	Shopkeeper.

No. 2.

29 Vic. c. 32. *An Act to amend "The Jury Act, 1863."* (Assented to 11th May, 1866.)

Exempts certain persons from serving on juries.

I. That all persons attached, to the Lighthouse service of the Colony, whether holding office under the Imperial or Colonial Government, the officers of the Board of Public Works, the Clerk of the Nassau Market, the Librarian of the Nassau Library, and the Inspector of Nuisances, shall be, and they are hereby exempted from serving on juries, under the Act to which this Act is an amendment.

Qualification of jurors.

II. Every male inhabitant of the parishes of Christ Church, St. Matthew, or St. Anne, between the ages of twenty-one and sixty years (except as by the said Act excepted) who shall be possessed of real and personal estate of the combined value of 100*l.* or of personal estate alone of that value, shall be qualified and, except exempted by the said Act or this Act, be liable to serve as a juror under the said Act.

No. 3.

34 Vic. c. 17. *An Act to amend the Mode of Procedure on Trial by Jury.* (Assented to 12th April, 1871.)

Aliens to be tried as natural born subjects.

I. From and after the passing of this Act an alien charged with felony or misdemeanor shall not be entitled to be tried by a jury *de medietate lingue*, but shall be tried in the same manner as if he was a natural-born subject.

Jurors allowed refreshment.

II. Jurors after having been sworn, may in the discretion of the judge be allowed at any time before giving their verdict reasonable refreshment, to be procured at their own expense.

Judge may allow jurors to separate after sealing up their verdict.

III. A jury empanelled in any case of felony, not being a capital felony, may in the discretion of the judge, be allowed at any adjournment of the Court before the conclusion of the trial, to separate during such adjournment, and any such jury who may have arrived at a verdict during an adjournment of the Court, after the conclusion of the trial, may

* The form of this Schedule is altered by 38 Vic. c. 28, *post*, this Class, No. 4.

in the like discretion of the judge, be allowed to seal up their verdict and then separate until the time at which the Court shall stand adjourned to, when they shall attend in Court to deliver their verdict.

IV. That if any person on whom any fine shall be imposed by any of the Courts of Record at Nassau under the authority of the 23rd section of "The Jury Act, 1863," shall refuse or neglect to pay the same to the person who shall be authorised by the Court to receive the same, it shall be lawful for such Court then, or at its next sitting, and the same is hereby authorised and required by order of the Court, signed by the proper officer thereof, to cause every such fine to be levied by distress and sale of the goods and chattels of the person on whom such fine shall have been imposed, and the overplus money, if any, which shall remain, after payment of such fine and deducting the reasonable charges of such distress and sale, shall be rendered to the person whose goods and chattels shall be so distrained and sold, and that every fine which shall be so imposed shall, when received or levied, be paid by the person who shall receive or levy the same to the proper officer of the Court wherein such fine was imposed, to be by him paid into the public treasury of the colony, to be applied to such uses as fines are by law applicable.

Fines imposed and not paid may be levied by distress and sale of goods.

V. So much of the 2nd section, 40 Geo. 3, ch. 2, as declares in force within the colony the Statute of the Imperial Parliament Hen. 6, ch. 29, and the 24th section of "The Jury Act, 1863," are hereby repealed.

Repealing clause.

VI. This Act may be cited for all purposes as "The Jury Amendment Act, 1871."

Naming clause.

No. 4.

38 Vic. c. 28. *An Act to amend the Jury Laws.* (Assented to 29th April, 1875.)

WHEREAS it is expedient that all public officers whose duties require daily attendance or attention should be exempted from serving on juries, but as the law now stands only certain of such officers are exempted, while others who are equally entitled to exemption are in strictness of law liable and compelled to serve as jurors as well on inquests as in the trial of issues in the several Courts of Law or Equity.

PREAMBLE.

AND WHEREAS it is expedient that the state of circumstances aforesaid should be remedied, and that the law relating to juries should in other respects be amended; May it, &c.

I. All public officers who are required by the tenure of their respective offices to give daily attendance or attention to the discharge of the duties of their offices shall be and are hereby exempted from serving or being returned or summoned to serve on juries of any description whatever.

Exemptions from service on juries.

II. In addition to the information required to be given in the list of jurors annually made under the authority of "The Jury Act, 1863," it shall be the duty of the person making such list to insert therein the exact locality in which each person named in such list resides at the time of the making thereof, and also the nature of qualification in respect of which every such person is returned as liable to serve as a juror, and the form of return prescribed by the said Act should be altered accordingly.

Special information required for annual list of jurors.

III. Whenever a special jury shall be moved for in any cause pending in any Court, such jury shall not be drawn until the party applying for the same has deposited in the hands of the proper officer of the Court a sum of money of such amount as shall be deemed by such officer sufficient to cover all expenses attending the drawing and summoning of such special jury and the trial of the cause thereby, and if such sum

Special jury expenses.

of money is not deposited in the hands of the said officer within twenty-four hours after the motion has been made, all proceedings on such motion shall be stayed, and the cause shall be tried in its proper order or in such order as the Chief Justice or other judge may appoint by a common jury.

No. 5.

54 Vic. c. 16. *An Act to amend the Jury Laws of the Colony.*
(Assented to 5th June, 1891.)

Exemptions from
jury service.

I. From and after the passing of this Act the following shall be and they are hereby exempted from serving on Juries under "The Jury Act, 1863," and on Coroners' Juries, viz. :—

The paid officers attached to the Bank of Nassau, and all temporary tidewaiters while actually performing the duties of their offices.

No. 6.

59 Vic. c. 26. *An Act for the constitution of a Supreme Court and for other purposes relating to the better administration of Justice in the Bahamas.* (Assented to 30th April, 1896.)

Application of
Jury Act.

XLV. "The Jury Act, 1863," and the Acts amending the same shall apply to the Court constituted by this Act, and the expression "General Court" when used therein shall be read "Supreme Court"; and the expressions "Justice of the General Court," "presiding Justices or Justices of the General Court," and "Chief Justice and Assistant Justices," shall be read Chief Justice of the Supreme Court.

CLASS XIII.

PROPERTY OF MARRIED WOMEN :

REAL ESTATE.

No. 1.

51 Geo. 3, c. 15. *An Act to enable Husband and Wife, by deed, to convey and alien the Plantations, Lands, and Tenements of the Wife, or of the Husband and Wife jointly, situate and being within the Bahama Islands.* (28th December, 1810.)

Conveyances by
deed by husband
and wife of lands
of wife valid, if
executed with
certain formal-
ties,

THAT from and after the passing of this Act, any deed or deeds, in due form of law, made and executed by the husband and wife, of the plantations, lands, and tenements of the wife, lying and being within the Bahama Islands; or of any plantations, lands, and tenements within the same, whereof the husband and wife were seised in right of the wife; or whereof the husband and wife were jointly seised; and acknowledged before any one of His Majesty's justices of the Courts of King's Bench and Common Pleas in England and Ireland, or of the

Court of Session in Scotland, or the sheriff depute of any county in Scotland, or of any of the judges of the Superior Courts in any of His Majesty's colonies or dominions, shall, to all intents and purposes, be as effectual and valid in law to pass all the estate, right, title, interest, and claim of the party or parties, and of each of them, to such deed or deeds, in or to all or any the plantation or plantations, lands, tenements, hereditaments, and appurtenances by such deed or deeds granted, conveyed, or made over, or thereby intended to be granted, conveyed, or made over to the person or persons, bargainee or bargainees, grantee or grantees, in the said deed or deeds mentioned, their heirs and assigns for ever; to whom or to whose use any estate in such plantation or plantations, lands, tenements, hereditaments, and appurtenances is by the said deed or deeds limited, bargained, sold, granted or conveyed, according to the several limitations in the said deed or deeds contained, as if the party or parties to the said deed or deeds from whom the interest moves had levied a fine or fines with proclamations, or suffered a common recovery or recoveries of such plantation or plantations, lands, tenements, hereditaments, and appurtenances in any of His Majesty's Courts of Record at Westminster, or within these islands, and duly executed deeds, leading the uses of such fine or fines, or declaring the uses of such recovery or recoveries to be to such bargainee or bargainees, grantee or grantees, their heirs and assigns for ever; to whom or to whose use such plantation or plantations, lands, tenements, hereditaments, and appurtenances are, by the deed or deeds so to be executed and acknowledged as is above-mentioned, limited and conveyed; or that the same and every part thereof had been bargained, sold, conveyed, or set over by any the firmest deed or deeds, conveyance or conveyances, assurance or assurances in the law that could be advised or devised by counsel learned therein: Provided always, nevertheless, that the wife, who is a party to any such deed or deeds, be of full-age at the time of the execution thereof, and be privately and apart examined before the judge or sheriff depute, before whom such deed or deeds is or are acknowledged; and doth declare that she executed the same freely, voluntarily, and without fear, dread, or compulsion of her said husband; And provided also, that the acknowledgment of the execution of such deed or deeds by the party or parties executing the same, and the examination of the wife, shall be endorsed on such deed or deeds, and subscribed by the judge or sheriff depute, before whom they are taken.

Proviso.

No. 2.

- 17 Vic. c. 11. *An Act to amend an Act to enable Husband and Wife by Deed to convey and alien the Plantations, Lands, and Tenements of the Wife, or of the Husband and Wife jointly, situate and being within the Bahama Islands.* (March 10th, 1854.)

THAT any deed which in due form of law has already been made and executed, or which may hereafter be made and executed by husband and wife, in accordance with the provisions of the said recited Act, may, when such parties, or either of them, are resident in a foreign country, be acknowledged before any public officer having judicial functions vested in him by the laws of such foreign country: Provided, that the certificate of a British consul or vice-consul resident therein be added to the endorsement required to be made by the said Act, to the effect that the officer before whom any such acknowledgment shall have been made, holds the office alleged in such endorsement to be by him holden,

Acknowledgment of deed executed by husband and wife, when either of the parties resides in a foreign country, to be before public officer there having judicial functions.
Endorsement to be accompanied by certificate of British Consul or Vice-Consul.

and that all due faith and credit are and ought to be given to all his acts and attestations as such; and all deeds so acknowledged and certified shall have the same and the like force, effect, and validity, as if the same had been executed in strict accordance with the provisions of the said recited Act.

No. 3.

36 Vic. c. 9. *An Act to amend the Law relative to acknowledgments of Deeds and renunciations of Dower, and otherwise relating to Dower.* (Assented to 14th March, 1873.)

Persons before whom acknowledgments and renunciations of dower may be taken and commissions issued.

ALL acknowledgments of deeds authorised to be made and taken in and by the Act of the General Assembly of the Bahama Islands, passed in the 51st year of the reign of King George the Third, and distinguished in the printed copies of the Bahama laws as 51st George the Third, chapter 15, and all renunciations of dower may, when the parties, or either of the parties, are or is in the Island of New Providence, be lawfully made before and taken and certified by the Chief Justice of the said Bahama Islands, or other presiding judge of the said General Court, or by the Judge of the Court of Common Pleas, and when the parties, or either of them, are or is resident at an out-land of the Government, by the Resident Justice of the magisterial district in which such island is, or before any person or persons specially appointed for the purpose by a commission issued under the hand of the Chief Justice, or other presiding judge of the General Court, and the seal of the said Court, or under the hand of the prothonotary of the said Court, and the seal of the said Court, as hereinafter provided for.

Chief Justice or prothonotary may issue commission for taking acknowledgments or renunciations of dower without the limits of colony.

Provisoos.

II. When the party to any deed executed under the powers of the aforesaid Act of the 51st year of the reign of King George the Third, or when any married woman whose renunciation of dower is required, resides, or is for the time being, without the limits of the colony, it shall be lawful for the Chief Justice, or other presiding judge of the General Court, from time to time, upon application made for the purpose, to cause commissions to issue under the seal of the said Court, directed to such person or persons as the Chief Justice, or other presiding judge, shall deem to be a fit and proper person or persons to execute such commission, and by such commission to invest the person or persons to whom the same may be directed, with full power and authority to take all such acknowledgments or renunciations as may in each particular case be necessary and required: Provided, however, that in case the Chief Justice, or other judge, as aforesaid, shall have any interest in the lands the execution of the deed for conveying which is required to be acknowledged, or in which dower is required to be renounced, then, and in every such case, it shall be lawful for the prothonotary of the said Court, on application made to him for the purpose, to name and appoint the commissioner or commissioners, and to issue the commission, and affix the seal of the Court thereto, without any order being made therefor by the said Chief Justice or other judge: And provided also that the power hereby conferred upon the Chief Justice or other judge, or the prothonotary of the said Court, as the case may be, to issue commissions to take the acknowledgments of deeds, shall not be taken or continued in any way to interfere with, or to abrogate the powers vested for the purpose in, the judicial and other public officers specially designated and named in the aforesaid Act of the 51st year of the reign of King George the Third, and in an Act passed for the amendment thereof.

in the seventeenth year of the reign of Her present Majesty, and distinguished in the printed copies of the Bahama laws as 17th Victoria, chapter 11.

III. Nothing in the last proviso to the aforesaid Act of the 51st year of the reign of King George the Third, shall render it necessary to take the acknowledgment of any party or parties of the execution of a deed under the powers given by that Act, save and except the acknowledgment of the married woman, or women, who may be a party or parties to such deed.

Refers to 51
Geo. 3—acknow-
ledgments of
married women.

IV. All renunciations of dower by married women, and all commissions to take renunciations of dower of married women, issued under the authority of this Act, with returns thereto, shall be entered of record in the office of the prothonotary of the General Court, in a book to be kept by that officer for the purpose, which book shall be properly indexed, so as to be easy of reference; and such renunciations of dower when entered of record as aforesaid, shall be deemed and taken effectually to exclude and debar such married women from all right and title to dower of, in, and to the lands, tenements, hereditaments, and premises mentioned and contained in such renunciations, or in any deed or deeds therein referred to, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

Renunciations to
be recorded in
prothonotary's
office.

V. All commissions to take acknowledgments of deeds issued under the authority of this Act, with the respective returns thereto, shall also be entered of record in the office of the prothonotary aforesaid, in the same book with renunciations of dower, and commissions for taking renunciations; and all acknowledgments made under such commissions, if properly certified as required by the aforesaid Act of the 51st year of the reign of King George the Third, shall have the same and the like effect, as acknowledgments taken before, and certified by a judge of the said Court, would have under the provisions of the said Act.

Commissions and
returns must be
recorded.

VI. All renunciations of dower and commissions aforesaid must be endorsed with the name of an attorney of the General Court, and it shall not be lawful for the prothonotary to record any such renunciation or commission, unless the same is so endorsed.

Endorsement of
renunciations
and commissions.

VII. Whereas by the laws now in force within these islands the real estate of a judgment debtor is liable to be levied on and sold in satisfaction of any judgment debt, but notwithstanding such levy and sale, such lands are frequently subject to claims of dower, which operate prejudicially to the interest of creditors, for remedy whereof be it enacted that whenever any real estate has been acquired by a judgment debtor, otherwise than by descent or devise, within twelve calendar months next preceding the day on which a judgment shall have been entered up against him, or having been acquired otherwise than as aforesaid previous to such period, he shall within such period have expended and laid out five hundred pounds or upwards in erecting buildings on, or otherwise improving such real estate, then and in such case all such real estate shall be liable to be levied on and sold under such judgment, free and clear of all claims of the wife of such debtor for dower therein.

Real estate
acquired by a
judgment.
Creditor not sub-
ject to dower
under certain
circumstances.

VIII. Whenever lands have been, or shall hereafter be conveyed by way of mortgage to secure payment of a sum of money, no right or title to, or any estate of dower shall thereby be created in the wife of the mortgagee, but on payment of the moneys by the mortgage deed secured to be paid, or on sale of the mortgaged premises, under or by virtue of any power of sale contained in such deed, a reconveyance by the mortgagee to the mortgagor, or a conveyance by such mortgagee to any other person, shall be sufficient to revest in such mortgagor, or to convey to, and vest in such other person a good and indefeasible title against

No estate of
dower created in
the wife of any
mortgagee.

the mortgagee, and all persons claiming by, through, or under such mortgagee, unless such conveyance shall contain any special reservation to the contrary: Provided, however, that nothing in this section contained shall be construed to prevent the wife of a mortgagee from acquiring a right or title to dower, or any estate of dower in any lands which may have been or may hereafter be mortgaged to her husband in the event of and upon such husband's becoming the absolute owner in fee of such lands, as well in equity as at law, either through a release to him of the mortgagor's right to redeem such land, or through an order or decree for foreclosure in a Court of Equity of such right of redemption, or in any other way.

No writ of dower to be brought after the commencement of this Act.

IX. No writ of right of dower, or writ of dower *unde nihil habet*, and no plaint for free bench or dower in the nature of any such writ, shall be brought after the commencement of this Act in any Court whatsoever, but where any such writ, action, or plaint would now lie, an action may be commenced by writ of summons issuing out of the General Court in the same manner and form as the writ of summons in an ordinary action, and upon such writ shall be indorsed a notice that the plaintiff intends to declare in dower, or for free bench, as the case may be.

Proceedings and costs upon writ to be the same as at common law.

X. The service of the writ, appearance of the defendant, proceedings in default of appearance, pleadings, judgment, execution, and all other proceedings and costs upon such writ, shall be subject to the same rules and practice, as nearly as may be, as the proceedings in an ordinary action commenced by writ of summons, and the provisions of the several Acts relating to procedure on the common law side of the General Court shall apply to the writ and pleadings, and proceedings thereupon.

Fees to Judge of Common Pleas and others to be same as is now payable.

XI. The Judge of the Court of Common Pleas, and the Resident Justice or other person authorised by this Act to take the renunciations of dower and acknowledgments of married women, shall, for the performance of such act, be entitled to ask for and receive for their own use the same fee as is now payable therefor to the Chief Justice or other presiding judge of the General Court.

Repealing clause.

XII. The following Act and parts of Acts shall be, and the same are hereby repealed :

15th and 16th sections, 45 George III., c. 21.

5 Wm. IV., c. 24.

16th section, 8 Victoria, c. 23.

4th and 5th sections, 33 Victoria, c. 7.

Name of Act.

XIII. This Act may for all purposes be cited as "The Dower Act, 1873."*

No. 4.

56 Vic. c. 15. *An Act to amend "The Dower Act, 1873."* (Assented to 7th June, 1893.)

Assistant Resident Justices may take acknowledgments and renunciations of dower.

I. From and after the passing of this Act, the Assistant Resident Justices of the Colony shall be and are hereby invested within their respective districts with the same and the like powers of taking the acknowledgments of married women, and renunciations of dower as the Resident Justices are now authorised to do under "The Dower Act, 1873."

* By 56 Vic. c. 15, and 61 Vic. c. 7, Assistant Resident Justices and the Stipendiary and Circuit Magistrates are also empowered to take acknowledgments of married women and renunciations of dower.

II. In reading hereafter the first and eleventh sections of "The Dower Act, 1873," the words "or Assistant Resident Justice," shall be read after the word "Justice" in the said sections as if they had been originally inserted therein.

Amends.

No. 5.

61 Vic. c. 7. *An Act to further amend "The Dower Act, 1873."*
(Assented to 26th January, 1898.)

I. This Act may be cited for all purposes as "The Dower Amendment Act, 1898." Short title.

II. In reading hereafter the first and eleventh sections of "The Dower Act, 1873," the words "Judge of the Court of Common Pleas" shall be omitted therefrom, and the words "Stipendiary and Circuit Magistrates of the Colony" shall be inserted and read in lieu thereof, and each of such last-named officers shall be, and each and they are hereby vested with the like power of taking acknowledgments of married women and renunciations of dower under the said Act, as if they had been originally named in the said Act.

Amends sections
I. and XI. of
"Dower Act,
1873."

PROPERTY GENERALLY.

No. 6.

47 Vic. c. 22. *An Act to consolidate and amend the Acts relating to the Property of Married Women.* (Assented to 14th May, 1884.)

I. (1.) A married woman shall, in accordance with the provisions of this Act, be capable of acquiring, holding, and disposing by will or otherwise, of any real or personal property as her separate property, in the same manner as if she were a *feme sole*, without the intervention of any trustee.

Married woman
to be capable of
holding property
and of contract-
ing as a *feme
sole*.

(2.) A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property on any contract, and of suing and being sued either in contract or in tort, or otherwise, in all respects as if she were a *feme sole*, and her husband need not be joined with her as plaintiff or defendant, or be made a party to any action or other legal proceeding brought by or taken against her; and any damages or costs recovered by her in any such action or proceeding shall be her separate property; and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property, and not otherwise.

(3.) Every contract entered into by a married woman shall be deemed to be a contract entered into by her with respect to and to bind her separate property, unless the contrary be shown.

(4.) Every contract entered into by a married woman with respect to and to bind her separate property shall bind not only the separate property which she is possessed of or entitled to at the date of the contract, but also all separate property which she may thereafter acquire.

(5.) Every married woman carrying on a trade separately from her husband shall, in respect of her separate property, be subject to the bankruptcy laws in the same way as if she were a *feme sole*.

Property of a woman married after the Act to be held by her as a *feme sole*.

II. Every woman who marries after the commencement of this Act shall be entitled to have and to hold as her separate property and to dispose of in manner aforesaid all real and personal property which shall belong to her at the time of marriage, or shall be acquired by or devolve upon her after marriage, including any wages, earnings, money, and property gained or acquired by her in any employment, trade, or occupation in which she is engaged, or which she carries on separately from her husband, or by the exercise of any literary, artistic, or scientific skill.

Loans by wife to husband.

III. Any money or other estate of the wife lent or entrusted by her to her husband for the purpose of any trade or business carried on by him, or otherwise, shall be treated as assets of her husband's estate in case of his bankruptcy, under reservation of the wife's claim to a dividend as a creditor for the amount or value of such money or other estate after, but not before, all claims of the other creditors of the husband for valuable consideration in money or money's worth have been satisfied.

Execution of general powers.

IV. The execution of a general power by will by a married woman shall have the effect of making the property appointed liable for her debts and other liabilities in the same manner as her separate estate is made liable under this Act.

Property acquired after the Act by a woman married before the Act to be held by her as a *feme sole*.

V. Every woman married before the commencement of this Act shall be entitled to hold and to dispose of in manner aforesaid as her separate property all real and personal property, her title to which, whether vested or contingent, and whether in possession, reversion, or remainder, shall accrue after the commencement of this Act, including any wages, earnings, money, and property so gained or acquired by her as aforesaid.

As to stock, &c. to which a married woman is entitled.

VI. All deposits in the Public Bank at Nassau, and all sums invested in Public Debentures issued by the Government of these Islands, which at the commencement of this Act are standing in the sole name of a married woman, and all shares, stock, debenture, or other interests of, or in any corporation, company, or public body, municipal, commercial, or otherwise, or of or in any industrial, provident, friendly, benefit, building, or loan society which at the commencement of this Act are standing in her name, shall be deemed, unless and until the contrary be shown, to be the separate property of such married woman, and the fact that any such deposit, sum invested in Public Debentures, or of any other share, stock, or debenture, or other interest as aforesaid is standing in the sole name of a married woman shall be sufficient *prima facie* evidence that she is beneficially entitled thereto for her separate use, so as to authorise and empower her to receive or transfer the same and to receive the interest and profits thereof without the concurrence of her husband, and to indemnify the Cashier of the Public Bank, Receiver-General and Treasurer, and all directors, managers, and trustees of every such corporation, company, public body, or society as aforesaid in respect thereof.

As to stocks, &c. to be transferred, &c. to a married woman.

VII. All deposits and investments as are mentioned in the last preceding section, and all shares, stock, debentures, and other interests of, or in any such corporation, company, public body or society as aforesaid which after the commencement of this Act shall be made or placed, registered or transferred in or into, or made to stand in the sole name of any married woman shall be deemed, unless and until the contrary be shown, to be her separate property, in respect of which so far as any liability may be incident thereto, her separate estate shall alone be liable, whether the same shall be expressed in the document whereby her title to the same is created or certified, or in the books or register wherein her title is entered or recorded, or not.

Proviso.

Provided always, that nothing in this Act shall require or authorise any corporation or joint stock company to admit any married woman to

be a holder of any shares or stock therein to which any liability may be incident, contrary to the provisions of any Act of Assembly, charter, bye-law, articles of association, or deed of settlement regulating such corporation or company.

VIII. All the provisions hereinbefore contained as to deposits in the Public Bank at Nassau, investments in the Public Debentures of the Colony, and shares, stock, debentures or other interests of or in any industrial, provident, friendly, benefit, building, and loan society as aforesaid respectively, which at the commencement of this Act shall be standing in the sole name of a married woman, or which, after that time shall be made or invested, placed, registered, or transferred to or into, or made to stand in the sole name of a married woman shall respectively extend and apply, so far as relates to the estate, right, title, or interest of the married woman, to any of the particulars aforesaid, which at the commencement of this Act, or at any time afterwards shall be standing in, or shall be made or invested, placed, registered, or transferred to or into, or made to stand in the name of any married woman jointly with any person or persons other than her husband.

Investments
in joint names
of married wo-
men and others.

IX. It shall not be necessary for the husband of any married woman, in respect of her interest, to join in the transfer of any such deposits or investment as aforesaid, or any share, stock, debenture, or other benefit, right, claim, or other interest of, or in any such corporation, company, public body or society as aforesaid, which is now or shall at any time hereafter be standing in the sole name of any married woman, or in the joint names of such married woman and any other person or persons not being her husband.

Stock standing
in the joint
names of a mar-
ried woman and
others.

X. If any deposit or investment as aforesaid, or any share, stock or debenture of any corporation, company, or public body, or any share, debenture, benefit, right, or claim whatsoever in, to, or upon the funds of any industrial, provident, friendly, benefit, building, or loan society, shall have been made by a married woman by means of moneys of her husband without his consent, the Court may, upon an application under section seventeen of this Act, order such investment, and the dividends thereof, or any part thereof, to be transferred and paid respectively to the husband; and nothing in this Act contained shall give validity as against creditors of the husband, to any gift, by a husband to his wife, or any property which, after such gift, shall continue to be in the order and disposition or reputed ownership of the husband, or any deposit or other investment of moneys of the husband made by or in the name of his wife in fraud of his creditors; but any moneys so deposited or invested may be followed as if this Act had not passed.

Fraudulent in-
vestments with
money of hus-
band.

XI. A married woman may, by virtue of the power of making contracts hereinbefore contained, effect a policy upon her own life or the life of her husband for her separate use; and the same and all benefit thereof shall enure accordingly.

Moneys payable
under policy of
assurance not to
form part of the
estate of the
husband.

A policy of assurance effected by any man on his own life, and expressed to be for the benefit of his wife, or of his children, or of his wife and children, or any of them, or by any woman on her own life, and expressed to be for the benefit of her husband, or of her children, or of her husband and children, or any of them, shall create a trust in favour of the objects therein named, and the moneys payable under any such policy shall not, so long as any object of the trust remains unperformed, form part of the estate of the insured, or be subject to his or her debts; Provided that if it shall be proved that the policy was effected and the premiums paid with intent to defraud the creditors of the insured, they shall be entitled to receive, out of the moneys payable under the policy, a sum equal to the premiums so paid. The insured may by the policy, or by any memorandum under his or her hand, appoint a trustee or trustees of the moneys payable under the policy, and from

time to time appoint a new trustee or new trustees thereof, and may make provision for the appointment of a new trustee or new trustees thereof, and for the investment of the moneys payable under any such policy. In default of any such appointment of a trustee, such policy, immediately on its being effected, shall vest in the insured and his or her legal personal representatives, in trust for the purposes aforesaid. If, at the time of the death of the insured, or at any time afterwards, there shall be no trustee, or it shall be expedient to appoint a new trustee or new trustees, or a new trustee or new trustees may be appointed by any court having jurisdiction under the provisions of the Act of Assembly 17 Victoria, chapter 24, or the Acts amending and extending the same, the receipt of a trustee or trustees duly appointed, or, in default of any such appointment, or in default of notice to the insurance office, the receipt of the legal personal representative of the insured shall be a discharge to the office for the sum secured by the policy, or for the value thereof, in whole or in part.

Remedies of married women for protection and security of separate property.

XII. Every woman, whether married before or after this Act, shall have in her own name against all persons whomsoever, including her husband, the same civil remedies, and also (subject, as regards her husband, to the proviso hereinafter contained) the same remedies and redress by way of criminal proceedings, for the protection and security of her own separate property as if such property belonged to her as a *feme sole*, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort. In any information or other proceeding under this section it shall be sufficient to allege such property to be her property ; and in any proceeding under this section a husband or wife shall be competent to give evidence against each other, any statute or rule of law to the contrary notwithstanding. *Provided always*, that no criminal proceeding shall be taken by any wife against her husband by virtue of this Act while they are living together, as to or concerning any property claimed by her, nor while they are living apart, as to or concerning any act done by the husband while they were living together, concerning property claimed by the wife, unless such property shall have been wrongfully taken by the husband when leaving or deserting, or about to leave or desert his wife.

Proviso.

Wife's ante-nuptial debts and liabilities.

XIII. A woman after her marriage shall continue to be liable in respect and to the extent of her separate property for all debts contracted, and all contracts entered into or wrongs committed by her before her marriage, including any sums for which she may be liable as a contributory, either before or after she has been placed on the list of contributories, under and by virtue of the Acts relating to joint stock companies ; and she may be sued for any such debt and for any liability in damages or otherwise under any such contract, or in respect of any such wrong ; and all sums recovered against her in respect thereof, or for any costs relating thereto, shall be payable out of her separate property ; and, as between her and her husband, unless there be any contract between them to the contrary, her separate property shall be deemed to be primarily liable for all such debts, contracts, or wrongs, and for all damages or costs recovered in respect thereof. *Provided always*, that nothing in this Act shall operate to increase or diminish the liability of any woman married before the commencement of this Act for any such debt, contract, or wrong, as aforesaid, except as to any separate property to which she may become entitled by virtue of this Act, and to which she would not have been entitled for her separate use under the Acts hereby repealed, or otherwise, if this Act had not passed.

Proviso.

Husband to be liable for his wife's debts contracted before marriage to a certain extent.

XIV. A husband shall be liable for the debts of his wife contracted, and for all contracts entered into and wrongs committed by her before marriage, including any liabilities to which she may be so subject under the Acts relating to joint stock companies, as aforesaid, to the extent of

all property whatsoever belonging to his wife which he shall have acquired or become entitled to from or through his wife, after deducting therefrom any payments made by him and any sums for which judgment may have been *bonâ fide* recovered against him in any proceeding at law, in respect of any such debts, contracts, or wrongs for or in respect of which his wife was liable before her marriage, as aforesaid; but he shall not be liable for the same any further or otherwise. And any court in which a husband shall be sued for any such debt shall have power to direct any inquiry or proceedings which it may think proper for the purpose of ascertaining the nature, amount, or value of such property. *Provided always*, that nothing in this Act contained shall operate to increase or diminish the liability of any husband married before the commencement of this Act for or in respect of any such debt or other liability of his wife, as aforesaid.

XV. A husband and wife may be jointly sued in respect of any such debt or other liability (whether by contract or for any wrong) contracted or incurred by the wife before marriage, as aforesaid, if the plaintiff in the action shall seek to establish his claim, either wholly or in part, against both of them; and if in any such action, or in any action brought in respect of any such debt or liability against the husband alone, it is not found that the husband is liable in respect of any property of the wife so acquired by him, or to which he shall have become so entitled, as aforesaid, he shall have judgment for his costs of defence, whatever may be the result of the action against the wife if jointly sued with him. And in any such action against husband and wife jointly, if it appears that the husband is liable for the debt or damages recovered, or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband personally and against the wife as to her separate property; and as to the residue, if any, of such debt and damages, the judgment shall be a separate judgment against the wife as to her separate property only.

Suits for antenuptial liabilities.

XVI. A wife doing any act with respect to any property of her husband, which, if done by the husband with respect to property of the wife, would make the husband liable to criminal proceedings by the wife under this Act, shall, in like manner, be liable to criminal proceedings by her husband; and in any proceeding under this section a husband shall be competent to give evidence against his wife any statute or rule of law to the contrary notwithstanding. *Provided always*, that no criminal proceedings shall be taken by any husband against his wife by virtue of this section while they are living together nor while they are living apart, as to or concerning any act done by the wife while they were living together concerning property claimed by the husband, unless such property shall have been wrongfully taken by the wife when leaving or deserting, or about to leave or desert, her husband.

Act of wife liable to criminal proceedings.

Proviso.

XVII. In any question between husband and wife as to the title to or possession of property, either party, or the cashier of the Public Bank, Receiver-General and Treasurer, or any corporation, company, public body, or society, as aforesaid, in whose books any sums of money, stocks, funds, or shares of either party are standing, when the value of the property does not exceed twenty pounds, may, in the Island of New Providence, apply by summons or otherwise in a summary way to the judge of the Court of Common Pleas of the Bahamas, and in the out-islands to a justice of the peace of the island or district in which either party resides. And when the value of the property shall exceed twenty pounds, any such party may apply, by summons or motion, in a summary way, to the chief justice, sitting as judge of the General Court on its Equity side; and thereupon the judge of the Court of Common Pleas, or justice of the peace or chief justice, as the case may be, may make such

Questions between husband and wife as to property to be decided in a summary way.

Proviso.

Married woman
as an executrix
or trustee.

Saving of exist-
ing settlement
and the power to
make future
settlements.

Repeal of 34 Vic.
c. 8, and 38 Vic.
c. 4.

Proviso.

Legal repre-
sentative of
married women.

Interpretation of
terms.

Commencement
of Act.

order and direct such inquiry as he shall think fit. Provided that any order made by the judge of the Court of Common Pleas, or by a justice of the peace, shall be subject to appeal by either party to the chief justice of the colony, sitting as aforesaid; and any such original or appellate motion shall, if either party so require, be heard privately by such judge, justice, or chief justice, as the case may be. *Provided also*, that the cashier of the bank, the receiver-general and treasurer, and the directors, managers, or trustees of any corporation, company, public body, or society, as aforesaid, shall, in the matter of any such application for the purposes of costs or otherwise, be treated as a stakeholder only.

XVIII. A married woman who is an executrix or an administratrix alone, or jointly with any other person or persons, of the estate of any deceased person, or a trustee alone or jointly, as aforesaid, of property subject to any trust, may sue or be sued and may transfer, or join in transferring, any such annuity or deposit, as aforesaid, or any sum forming part of the public stocks or funds, or of any other stocks or funds transferable, as aforesaid, or any share, stock, debenture, debenture stock or other benefit, right, claim, or other interest of, or in any such corporation, company, public body, or society in that character, without her husband, as if she were a *feme sole*.

XIX. Nothing in this Act contained shall interfere with, or affect any settlement, or agreement for a settlement, made or to be made, whether before or after marriage, respecting the property of any married woman, or shall interfere with, or render inoperative any restriction against anticipation at present attached, or to be hereafter attached, to the enjoyment of any property or income by a woman under any settlement, agreement for a settlement, will, or other instrument; but no restrictions against anticipation contained in any settlement, or agreement for a settlement, of a woman's own property, to be made or entered into by herself, shall have any validity against debts contracted by her before marriage, and no settlement or agreement for a settlement shall have any greater force or validity against the creditors of such a woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors.

XX. "The Married Women's Property Act, 1871," and "The Married Women's Property Act, 1871,*Amendment Act, 1875," are hereby repealed: *Provided* that such repeal shall not affect any act done or right acquired while either of such Acts was in force, or any right or liability of any husband or wife, married before the commencement of this Act to sue or be sued under the provisions of the said repealed Acts or either of them, for or in respect of any debt, contract, wrong or other matter or thing whatsoever, for or in respect of which any such right or liability shall have accrued to or against such husband or wife before the commencement of this Act.

XXI. For the purposes of this Act the legal personal representative of any married woman shall in respect of her separate estate have the same rights and liabilities and be subject to the same jurisdiction as she would be if she were living.

XXII. The word "contract" in this Act shall include the acceptance of any trust, or of the office of executrix or administratrix, and the provisions of this Act as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by any married woman being a trustee or executrix or administratrix either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration. The word property in this Act includes a thing in action.

XXIII. The date of the commencement of this Act shall be the first day of January One thousand eight hundred and eighty-five.

XXIV. This Act may be cited as "The Married Women's Property Act, 1884." Title.

No. 7.

58 Vic. c. 16. *An Act to amend "The Married Women's Property Act, 1884."* (Assented to 26th April, 1895.)

I. Every contract hereafter entered into by a married woman otherwise than as an agent

Contracts entered into by married women to bind their separate property.

- (a) shall be deemed to be a contract entered into by her with respect to and to bind her separate property whether she is or is not in fact possessed of or entitled to any separate property at the time when she entered into such contract ;
- (b) shall bind all separate property which she may at that time or thereafter be possessed of or entitled to ; and
- (c) shall also be enforceable by process of law against all property which she may thereafter while discoverd be possessed of or entitled to ;

Provided that nothing in this section contained shall render available to satisfy any liability or obligation arising out of such contract any separate property which at that time or thereafter she is restrained from anticipating. Proviso.

II. In any action or proceeding now or hereafter instituted by a woman or by a next friend on her behalf, the Court before which such action or proceeding is pending shall have jurisdiction by judgment or order from time to time to order payment of the costs of the opposite party out of property which is subject to a restraint on anticipation and may enforce such payment by the sale of the property by execution or otherwise as may be just. Payment of costs.

III. Section twenty-four of "The Wills' Act, 1837," declared in force within these Islands by the Act of Assembly, Fourth Victoria, Chapter Twenty-three, shall apply to the will of a married woman made during coverture whether she is or is not possessed of or entitled to any separate property at the time of making it, and such will shall not require to be re-executed or republished after the death of her husband. Section 24 of "The Wills' Act, 1837," to apply to wills of married women.

IV. Sub-sections (3) and (4) of section one of "The Married Women's Property Act, 1884," are hereby repealed. Repeals.

V. A married woman may convey any real estate possessed by her as her separate property to her husband, and a husband may convey any real estate to his wife, alone or jointly with another person. Wife may convey real estate to husband, or husband may convey real estate to wife.

VI. This Act may be cited as "The Married Women's Property Act, 1895." Title.

No. 8.

60 Vic. c. 11. *An Act to amend "The Married Women's Property Act, 1895."* (Assented to 14th April, 1897.)

I. This Act may be cited for all purposes as "The Married Women's Property Act, 1895, Amendment Act, 1897." Title of Act.

II. In reading hereafter the third section of "The Married Women's Property Act, 1895," the word "three" in the third line of such section shall be omitted and the words "twenty-three" inserted and read in lieu thereof, and in any future publication of the said Act it shall be lawful to print the said section as hereby corrected. Amends section 3 of "The Married Women's Property Act, 1895."

CLASS XIV.

EXAMINATION OF WITNESSES AND EVIDENCE.

No. 1.

18 Vict. c. 10. *Common Law Procedure Act, 1855.*

Not competent for a party producing a witness to impeach his credit by general evidence of bad character, but he may show instances of previous statements inconsistent with present testimony.

When on cross-examination a witness does not admit he made statements inconsistent with present testimony, evidence may be adduced of the fact.

Witness may be cross-examined as to previous statements in writing, without such writing being shown to him.

Proviso, authorising the judge to require the production of the writing.

A witness may be questioned as to whether he has been convicted of any felony or misdemeanor.

Unnecessary to prove any instrument by attesting witness.

Comparison of disputed writing with writing proved permitted.

XXX. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but he may, in case the witness shall in the opinion of the judge prove adverse, contradict him by other evidence, or by leave of the judge prove that he has made at other times a statement inconsistent with his present testimony; but before such last-mentioned proof can be given, the circumstances of the supposed statement sufficient to designate the particular occasion must be mentioned to the witness, and he must be asked whether or not he has made such statement.

XXXI. If a witness upon cross-examination as to a former statement made by him relative to the subject matter of the cause, and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given that he did in fact make it; but before such proof can be given, the circumstances of the supposed statement sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

XXXII. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing, relative to the subject matter of the cause, without such writing being shown to him; but if it is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him: Provided always, that it shall be competent for the judge at any time during the trial to require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial as he shall think fit.

XXXIII. A witness in any cause may be questioned as to whether he has been convicted of any felony, or misdemeanor, and on being so questioned, if he either denies the fact or refuses to answer, it shall be lawful for the opposite party to prove such conviction; and a certificate containing the substance and effect only (omitting the former part) of the indictment and conviction for such offence, purporting to be signed by the Clerk of the Court, or other officer having the custody of the records of the Court where the offender was convicted, or by the deputy of such Clerk or officer (for which certificate a fee of five shillings and no more shall be demanded or taken) shall upon proof of the identity of the person, be sufficient evidence of the said conviction, without proof of the signature or official character of the person appearing to have signed the same.

XXXIV. It shall not be necessary to prove by the attesting witness any instrument to the validity of which attestation is not requisite, and such instrument may be proved by admission, or otherwise, as if there had been no attesting witness thereto.

XXXV. Comparison of a disputed writing, with any writing proved to the satisfaction of the judge to be genuine, shall be permitted to be made by witnesses, and such writings, and the evidence of witnesses respecting the same, may be submitted to the Court and jury as evidence of the genuineness, or otherwise, of the writing in dispute.

No. 2.

29 Vic. c. 3. *An Act to amend the Law of Evidence and Practice in Criminal Cases.* (Assented to 27th March, 1866.)

I. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character; but he may, in case the witness shall, in the opinion of the judge, prove adverse, contradict him by other evidence, or, by leave of the judge, prove that he has made at other times a statement inconsistent with his present testimony, but before such last-mentioned proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

The credit of a witness cannot be impeached by party producing him, but the evidence may be contradicted.

II. If a witness, upon cross-examination as to a former statement made by him relative to the subject matter of the information or proceeding, and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given that he did in fact make it; but before such proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

Mode of discrediting a witness on cross-examination.

III. A witness may be cross-examined as to previous statements made by him, in writing, or reduced into writing, relative to the subject matter of the information or proceeding, without such writing being shown to him; but if it is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him: Provided always, that it shall be competent for the judge at any time during the trial to require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial as he may think fit.

Cross-examination as to previous statements in writing.

IV. A witness may be questioned as to whether he has been convicted of any felony or misdemeanor, and upon being so questioned, if he either denies or does not admit the fact, or refuses to answer, it shall be lawful for the cross-examining party to prove such conviction; and a certificate containing the substance and effect only (omitting the formal part) of the information and conviction for such offence, purporting to be signed by the Clerk of the Court, or other officer having the custody of the records of the Court where the offender was convicted, shall upon proof of identity of the person be sufficient evidence of the said conviction, without proof of the signature or official character of the person appearing to have signed the same.

When and how a proof of previous conviction of a witness may be given.

V. It shall not be necessary to prove by the attesting witness any instrument to the validity of which attestation is not requisite, and such instrument may be proved as if there had been no attesting witness thereto.

When proof by attesting witnesses not necessary.

VI. Comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine shall be permitted to be made by witnesses; and such writings, and the evidence of witnesses respecting the same, may be submitted to the Court and jury as evidence of the genuineness or otherwise of the writing in dispute.

Comparison of disputed writing with genuine writing permitted.

No. 3.

35 Vic. c. 6. *An Act to consolidate the Provisions of various Acts of Assembly relating to the Law of Evidence, and for otherwise amending that Law.* (Assented to 14th March, 1872.)

Repeals certain Acts and parts of Acts.

I. The following Acts and parts of Acts shall be, and the same are hereby repealed :

- 10 Vic. c. 32.
- 15 Vic. c. 2.
- 17 Vic. c. 8.
- 33 Vic. c. 19.
- 34 Vic. c. 11.

Witnesses not deemed incapacitated from crime or interest.

II. No person offered as a witness shall hereafter be excluded by reason of incapacity, from crime or interest, from giving evidence, either in person or by deposition, according to the practice of the Court, on the trial of any issue joined, or of any matter or question, or any inquiry arising in any Court, or before any judge, jury, coroner, magistrate, officer, or person having by law, or by consent of parties, authority to hear, receive, and examine evidence, but every person so offered may, and shall be admitted, to give evidence on oath or solemn affirmation in those cases wherein affirmation may by law be receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question, or inquiry, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered may have been previously convicted of any crime or offence.

Parties to any suit in a Court of Justice competent and compellable to give evidence.

III. On the trial of any issue joined, or of any matter, or question, or on any inquiry arising in any suit, action, or other proceeding, in any Court of Justice, or before any person having by law or by consent of parties, authority to hear, receive, and examine evidence, the parties thereto and the persons in whose behalf any such suit, action, or other proceeding may be brought or defended, as also their husbands or wives, shall, except as hereinafter excepted, be competent, and compellable to give evidence, either *viva voce*, or by deposition, according to the practice of the Court, on behalf of either or any of the parties to the said suit, action, or other proceeding.

Accused parties not competent or compellable to criminate themselves.

IV. But nothing herein contained shall render any person who, in any criminal proceeding, is charged with the commission of any indictable offence, or any offence punishable on summary conviction, except as hereinafter provided for, competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband.

A husband or wife not compelled to disclose communications made to each other.

V. Nor shall any husband be compellable to disclose any communication made to him by his wife during the marriage, nor shall any wife be compellable to disclose any communication made to her by her husband during the marriage.

A witness in cases of adultery not bound to answer criminal questions.

VI. Nor shall any witness in any cause or other proceeding instituted in consequence of adultery, whether a party to the suit or not, be liable to be asked or bound to answer any question tending to show that he or she has been guilty of adultery, unless such witness shall have already given evidence in the same proceeding in disproof of his or her alleged adultery.

Plaintiff's testimony must be corroborated.

VII. No plaintiff in any action for breach of promise of marriage shall recover a verdict unless his or her testimony shall be corroborated by some other material evidence in support of such promise.

VIII. Repealed by "The Magistrates Act, 1896."

IX. Where any person who, either before or after the passing of this Act, has been previously convicted of any offence involving fraud or dishonesty, is found in the possession of stolen goods, evidence of such previous conviction shall be admissible as evidence of his knowledge that such goods have been stolen, and in any proceedings that may be taken against him as receiver of stolen goods, or otherwise, in relation to his having been found in possession of such goods, proof may be given of his previous conviction before evidence is given of his having been found in possession of such stolen goods: Provided that not less than seven days' notice shall be given to such person that proof is intended to be given of his previous conviction.

Proof may be given of the previous conviction of a person charged as a receiver of stolen goods as evidence of guilty knowledge.

Proviso.

X. Moreover, where proceedings are taken against any person for having in his possession stolen goods, evidence may be given that there were found in the possession of such person other goods stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the goods to be stolen, which form the subject of the proceedings taken against him.

Additional evidence admissible to prove guilty knowledge.

XI. If any person called to give evidence in any Court of Justice, or before any person having by law authority to administer an oath in the taking of evidence, whether in a civil or criminal proceeding, shall object to take an oath, or shall be objected to as incompetent to take an oath, such person shall, if the presiding judge is satisfied that the taking of an oath would have no binding effect on his conscience, make the following promise and declaration: "I solemnly promise and declare that the evidence given by me to the Court shall be the truth, the whole truth, and nothing but the truth." And any person who, having made such promise and declaration shall wilfully and corruptly give false evidence, shall be liable to be tried and convicted for perjury as if he had taken an oath.

Presiding judge may substitute declaration for oath in certain cases.

XII. Whenever any action or other legal proceeding shall henceforth be pending in any Superior Court of Common Law within these islands, such Court, and each of the judges thereof, may respectively, on application made for such purpose by either of the litigants, compel the opposite party to allow the party making the application to inspect all documents in the custody or under the custody of such opposite party relating to such action or other legal proceeding, and, if necessary, to take examined copies of the same, in all cases in which, previous to the passing of this Act, a discovery might have been obtained by filing a bill or by any other proceeding in a Court of Equity, at the instance of the party so making application as aforesaid to the said Court or judge.

All documents in the custody or under the control of either of the litigants may be inspected by the opposite party.

XIII. Every document which by any law now in force, or hereafter to be in force, is or shall be admissible in evidence in any Court of Justice in England, shall be admissible in evidence in the like manner, to the same extent, and for the same purpose, in any Court of Law or Equity in these islands, or before any person having by law or by consent of parties authority to hear, receive, and examine evidence.

Documents legally admissible in any Court in England admissible in Courts in the Bahamas.

XIV. Every Court, judge, justice, officer, commissioner, arbitrator, or other person, now or hereafter having by law or by consent of parties authority to hear, receive, and examine evidence, is hereby empowered to administer an oath to all such witnesses as are legally called before them respectively.

Persons authorised to hear evidence may administer oath to all witnesses.

XV. The words "indictable offence" in this Act shall be construed to mean and refer to any offence for which the party charged is to be tried or in the course of being tried in any Superior Criminal Court of the colony.

"Indictable offence" defined.

XVI. This Act may for all purposes be cited and referred to as "The Evidence Act, 1872."

Title of Act.

No. 4.

52 Vic. c. 7. *An Act authorising the administering of Oaths in certain cases.* (Assented to 9th May, 1889.)

Governor by order in Council may order and direct that evidence and statements adduced shall be given and taken on oath.

False evidence to constitute perjury.

Summons for witness to be issued under the hand of the Clerk of the Council.

Penalty for neglecting or refusing to appear or refusing to be sworn.

Clerk of Council empowered to issue warrant of commitment to Nassau Prison.

Execution of warrant.

I. In any inquiry held or made before the Executive Council of these Islands, the Governor by order in Council may order and direct that the evidence and statements adduced and brought forward on such inquiry shall be given and taken on oath, and the Clerk of the said Council shall have power and authority to administer all oaths required to be administered on any such inquiry.

II. All persons wilfully deposing or affirming falsely in any inquiry before the Executive Council of these Islands shall be deemed guilty of perjury and shall be liable to all the pains and penalties attached thereto.

III. When an order has been made under the first section of this Act it shall be lawful for the said Council to cause summonses to be issued under the hand of the Clerk of the Council, requiring the attendance of any person before the said Council at a time and place to be specified in such summons, to give evidence upon oath of the truth of any facts appertaining to such inquiry or any other matter touching or relating thereto.

IV. Every person so summoned who shall neglect or refuse to appear according to the exigency thereof, or who having so appeared shall refuse to take the oath, or shall refuse to give evidence, or to answer according to the best of his knowledge and belief any question when thereto required, shall for every such default or offence be liable to be imprisoned for any period not exceeding twenty days.

V. The Clerk of the said Council when so directed by the Council shall have power to issue a warrant for the commitment to the Nassau Prison, for the period mentioned in the preceding section, of any person neglecting or refusing to attend when summoned under this Act, or having attended refusing to answer any question when thereto required.

VI. Such warrant shall be executed by any lawful constable of these Islands in the same manner as warrants issued by any magistrate or justice of the peace are now executed by such.

CLASS XV.

MISCELLANEOUS STATUTES, RELATING TO SUBJECTS CONNECTED WITH THE ADMINISTRATION OF JUSTICE AND CIVIL RIGHTS AND LIABILITIES NOT INCLUDED IN PREVIOUS CLASSES.

No. 1.

10 Geo. 4, c. 8. *An Act for rendering a Written Memorandum necessary to the validity of certain Promises and Agreements.* (11th January, 1830.)

Verbal promise not sufficient evidence of the continuance of any contract.

1. That in actions of debt, or on the case, grounded upon any simple contract, no acknowledgment or promise, by words only, shall be deemed sufficient evidence in any of the Courts of these islands, of a new or continuing contract, whereby to take any case out of the opera-

tion of the said enactment, or to deprive any party of the benefit thereof, unless such acknowledgment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby; and that where there shall be two or more joint contractors, or executors or administrators of any contractor, no such joint contractor, executor, or administrator, shall lose the benefit of the said enactment, so as to be chargeable in any respect, or by reason only of any written acknowledgment or promise, made and signed by any other or others of them: Provided always, that nothing herein contained shall alter, or take away, or lessen, the effect of any payment of principle or interest, made by any person whatsoever: Provided also, that in actions to be commenced against two or more such joint contractors, or executors, or administrators, if it shall appear at the trial, or otherwise, that the plaintiff, though barred by the said recited Act, as to one or more of such joint contractors, or executors, or administrators, shall, nevertheless, be entitled to recover against any other or others of the defendants, by virtue of a new acknowledgment or promise, or otherwise, judgment may be given, and costs allowed for the plaintiff, as to such defendant or defendants against whom he shall recover, and for the other defendant or defendants against the plaintiff.

Proviso respecting joint contractors.

II. That if any defendant or defendants in any action on any simple contract, shall plead any matter in abatement, to the effect that any other person or persons ought to be jointly sued, and issue be joined on such plea, and it shall appear at the trial that the action could not, by reason of the said recited Act, be maintained against the other person or persons named in such plea, or any of them, the issue joined in such plea shall be found against the party pleading the same.

Proceedings when any defendant shall plead that any other party ought to be jointly sued.

III. That no endorsement or memorandum of any payment, written or made, after the time appointed for this Act to take effect upon any promissory note, bill of exchange, or other writing, by or on behalf of the party to whom such payment shall be made, shall be deemed sufficient proof of such payment, so as to take the case out of the operation of the said statute.

No endorsement by the party to whom payment is made, to operate against said statute.

IV. That the said recited Act, and this Act, shall be deemed and taken to apply to the case of any debt or simple contract alleged by way of set-off, on the part of any defendant, either by plea, notice, or otherwise.

Said statute and this Act applicable to any debt, &c., by way of set-off.

V. That no action shall be maintained whereby to charge any person upon any promise made, after full age, to pay any debt contracted during infancy, or upon any ratification, after full age, of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing, signed by the party to be charged therewith.

Verbal promise made after full age, of payment of debts contracted during infancy not binding.

VI. That no action shall be brought whereby to charge any person upon, or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade, or dealings, of any other person, to the intent or purpose that such other person may obtain credit, money, or goods thereupon, unless such representation or assurance be made in writing, signed by the party to be charged therewith.

No person shall be charged by reason of any verbal representation regarding the credit of another.

No. 2.

3 Vic. c. 33. *An Act to extend to these Islands the Act of Parliament 3 & 4 Wm. c. 42, entitled, "An Act for the further amendment of the Law, and the better administration of Justice."* (20th February, 1840.)

Enacts:—"That from and after the passing thereof, the above-mentioned Act of Parliament shall be in force within these islands, with

the following provisoes: Provided, however, that the 1st, 7th, 15th, 16th, 17th, 18th, 19th, 20th, 22nd, 36th, 42nd, 43rd, 44th, and 45th clauses of the aforesaid Act, not being applicable to the Bahama Islands, shall not be in force therein: Provided also, that no person being within any part of the Bahama Islands shall be deemed or taken to be beyond seas for any purpose mentioned in the said above-mentioned Act."

Clauses of the Act of Parliament, 3 & 4 Wm. 4, c. 42, declared to be in force within the Bahama Islands, by the preceding Act.

The particular clause of 3 & 4 Wm. 4, c. 42, which are extended to these islands.

Executors may bring actions for injuries to the real estates of the deceased.

An action may be brought against executors for injury to property, real or personal.

Limitation of action of debt, on specialties, &c.

Remedy for infants, *femme couverte*, &c.

II. AND WHEREAS there is no remedy provided by law for injuries to the real estate of any person deceased committed in his lifetime, nor for certain things done by a person deceased in his lifetime, to another, in respect of his property, real or personal; for remedy thereof: Be it, &c. That an action of trespass, or trespass on the case, as the case may be, may be maintained by the executors or administrators of any person deceased, for any injury to the real estate of such person, committed in his lifetime, for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person; and provided such action shall be brought within one year after the death of such person; and the damages, when recovered, shall be part of the personal estate of such person; and, further, that an action of trespass or trespass on the case, as the case may be, may be maintained against the executors or administrators of any person deceased, for anything committed by him, in his lifetime, to another, in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death; and so as such action shall be brought within six calendar months after such executors or administrators shall have taken upon themselves the administration of the estate and effects of such person; and the damages to be recovered in such action shall be payable in like order of administration, as the simple contract debts of such person.

III. That all actions of debt for rent upon an indenture of demise, all actions of covenant or debt upon any bond or other specialty, and all actions of debt or *scire facias* upon any recognizance, and also all actions of debt upon any award, where the submission is not by specialty, or for any fine due in respect of any copyhold estates, or for an escape, or for money levied on any *fiery facias*, and all actions for penalties, damages, or sums of money given to the party grieved, by any statute now or hereafter to be in force that shall be sued or brought at any time after the end of the present Session of Parliament, shall be commenced and sued within the time and limitation hereinafter expressed, and not after; that is to say, the said actions of debt for rent, upon an indenture of demise, or covenant or debt upon any bond or other specialty, actions of debt or *scire facias* upon recognizance, within ten years after the end of this present session, or within twenty years after the cause of such actions or suits, but not after; the said actions by the party grieved, one year after the end of this present session, or within two years after the cause of such actions or suits, but not after; and the said other actions within three years after the end of this present session, or within six years after the cause of such actions or suits, but not after: Provided, that nothing herein contained shall extend to any action given by any statute, where the time for bringing such action is, or shall be, by any statute specially limited.

IV. That if any person or persons that is, or are, or shall be, entitled to any such action or suit, or to such *scire facias*, is, or are or shall be,

at the time of any such cause of action accrued, within the age of twenty-one years, *femme couverte*, *non compos mentis*, or beyond the seas, then such person or persons shall be at liberty to bring the same actions, so as they commence the same within such times after their coming to or being of full age, *discover*, of sound memory, or returned from beyond the seas, as other persons having no such impediment should, according to the provisions of this Act, have done; and that if any person or persons against whom there shall be any such cause of action, is, or are, or shall be, at the time such cause of action accrued, beyond the seas, then the person or persons entitled to any such cause of action shall be at liberty to bring the same against such person or persons within such times as are before limited after the return of such person or persons from beyond the seas.

Absence of defendants beyond seas provided for.

V. Provided always, That if any acknowledgment shall have been made, either by writing signed by the party liable by virtue of such indenture, specialty, or recognizance, or his agent, or by part payment, or part satisfaction, on account of any principal or interest being then due thereon, it shall and may be lawful for the person or persons entitled to such actions to bring his or their action for the money remaining unpaid, and so acknowledged to be due, within twenty years after such acknowledgment, by writing or part payment or part satisfaction, as aforesaid, or in case the person or persons entitled to such action shall, at the time of such acknowledgment, be under such disability as aforesaid, or the party making such acknowledgment be, at the time of making the same, beyond the seas, then, within twenty years after such disability shall have ceased as aforesaid, or the party shall have returned from beyond seas, as the case may be, and the plaintiff or plaintiffs in any such action on any indenture, specialty or recognizance, may, by way of replication, state such acknowledgment, and that such action was brought within the time aforesaid, in answer to a plea of this statute.

Proviso in case of acknowledgment in writing or by payment.

VI., VIII., IX., X., XI., XII., and XIII. Repealed by 61 Vic. c. 20.

XIV. That an action of debt on simple contract, shall be maintainable in any Court of Common Law, against any executor or administrator.

Action on simple contract maintainable against an executor or administrator.

XXI., XXIII., XXIV., XXV., XXVI. and XXVII. Repealed by 61 Vic. c. 20.

XXVIII. That upon all debts or sums certain, payable at a certain time or otherwise, the jury, on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, allow interest to the creditor, at a rate not exceeding the current rate of interest, from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written instrument at a certain time, or if payable otherwise, then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor, that interest will be claimed from the date of such demand until the term of payment: Provided that interest shall be payable in all cases in which it is now payable by law.

Jury empowered to allow interest upon debts.

XXIX. That the jury on the trial of any issue, or on any inquisition of damages may, if they shall think fit, give damages, in the nature of interest, over and above the value of the goods at the time of the conversion or seizure, in all actions of trover or trespass, *de bonis asportatis*, and over and above the money recoverable in all actions on policies of assurance made after the passing of this Act.

When jury may give damages in the nature of interest.

XXX., XXXI., XXXII., XXXIII., XXXIV., and XXXV. Repealed by 61 Vic. c. 20.

XXXVII. That it shall be lawful for the executors or administrators of any lessor or landlord to distrain upon the lands demised for any term, or at will, for the arrearages of rent due to such lessor or landlord

Executors of lessor may distrain for arrears in his lifetime.

Arrears may be distrained for within six months after determination of term.

in his lifetime, in like manner as such lessor or landlord might have done in his lifetime.

XXXVIII. That such arrearages may be distrained for after the end or determination of such term or lease, at will, in the same manner as if such term or lease had not been ended or determined: Provided, that such distress be made within the space of six calendar months after the determination of such term or lease, and during the continuance of the possession of the tenant from whom such arrears became due: Provided also, that all and every the powers and provisions in the several statutes made relating to distresses for rent, shall be applicable to the distresses so made, as aforesaid.

XXXIX., XL., and XLI. Repealed by 61 Vic. c. 20.

No. 3.

20 Vic. c. 3. *An Act entitled an Act to provide a remedy against defamatory words, imputing a Spiritual Offence.* (3rd April, 1857.)

WHEREAS there are no Ecclesiastical Courts within your Majesty's Bahama Islands, having jurisdiction over spiritual offences, cognisable by the said Courts in England, and it has been found necessary on that account to provide a remedy against defamatory words, imputing a spiritual offence, for which no action will lie in a Court of Common Law: May it therefore, &c.

An action shall lie for publication of words imputing adultery, fornication, incest, incontinence, drunkenness, or any other spiritual offence.

I. Whenever any words shall be spoken of, and concerning any person imputing adultery, fornication, incest, incontinence, drunkenness, or any other spiritual offence whatever, an action on the case shall lie in the Superior Courts of Common Law of these islands, against the person or persons publishing the same by speaking or writing, whether the party commencing such action shall, or shall not, be specially damaged thereby.

Proceedings regulated.

II. The like proceedings shall be had thereon as in other cases, relating to defamatory words and libel, coming under the jurisdiction of the said Superior Courts.

Law of evidence not to be affected by this Act.

III. Nothing herein contained shall be construed to alter in any respect the existing laws relating to evidence.

No. 4.

22 Vic. c. 10.

How seals of Court, of notaries, and other official seals may be used.

VII. That the seal of the General Court, of public notaries, and other official seals to be attached to documents or papers made within the Bahama Islands, may be either embossed on the document or paper itself, or be made of wax, or any other substance.

No. 5.

40 Vic. c. 5. *An Act to amend the Law as to the Contracts of Infants.* (Assented to 27th March, 1877.)

I. All contracts, whether by specialty or by simple contract henceforth entered into by infants for the repayment of money lent, or to be lent, or for goods supplied or to be supplied (other than contracts for necessaries), and all accounts stated with infants shall be absolutely void: *Provided always*, that this enactment shall not invalidate any contract into which an infant may by an existing or future statute or by the rules of Common Law or equity enter, except such as now by law are voidable.

Contracts with infants, except for necessaries, made void.

II. No action shall be brought whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification made after full age of any promise or contract made during infancy, whether there shall or shall not be any new consideration for such promise or ratification after full age.

Action cannot be brought upon any promise or ratification made after full age.

III. This Act may be cited as "The Infants' Relief Act, 1877."

Name.

PART III.

CLASS I.—Treason.

CLASS II.—Piracy.

CLASS III.—Forgery.

CLASS IV.—Offences against the person, Malicious Injuries to Property,
Larceny and Offences connected therewith.

CLASS V.—Counterfeit Coin, Perjury, False Declarations, and other
Misdemeanors not included in the other classes.

CLASS VI.—Accessories.

CLASS VII.—Department of Provost Marshal.

CLASS VIII.—Coroners.

CLASS IX.—Salaried Magistrates.

CLASS X.—Acts relating to the office and duties of Magistrates.

CLASS XI.—Constabulary and Police Forces.

CLASS XII.—Fire Brigades.

CLASS XIII.—Militia and Recruiting.

CLASS XIV.—Extradition.

CLASS I.

TREASON.

No. 1.

By the Declaratory Act, 40 Geo. 3, c. 2, s. 3, it is declared that all and every the Acts and Statutes of the Parliament of England, or of Great Britain, which relate to the prerogatives of the Crown or to the allegiance of the people, are, and of right ought to be, in full force in this colony; and, in addition to this general declaration, the following Statutes relating to the offence of Treason are expressly extended to the Colony by the said Declaratory Act, viz., 25 Edw. 3, st. 5, c. 2; 34 Edw. 3, c. 12; and 20 Geo. 2, c. 30.

No. 2.

31 Vic. c. 7. *An Act to amend the Law with respect to Treasonable Offences.* (Assented to 1st April, 1868.)

I. Repealed by 32 Vic. c. 16.

Proviso,
felonious words,
&c., must be
declared to upon

II. Provided always, and be it enacted, that no person shall be prosecuted for any felony, by virtue of this Act, in respect of such compassings, devices or intentions aforesaid, in so far as the same are expressed,

uttered or declared by open and advised speaking only, unless information of such compassings, imaginations, inventions, devices, and intentions, and of the words by which the same were expressed, uttered or declared, shall be given upon oath to one or more justice or justices of the peace, within six days after such words shall have been spoken, and unless a warrant for the apprehension of the person by whom such words shall have been spoken shall be issued within ten days next after such information shall have been given, as aforesaid; and that no person shall be convicted of any such compassings, devices, or intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open or advised speaking, as aforesaid, except upon his own confession in open Court, or unless the words so spoken shall be proved by two credible witnesses.

oath within six days after uttered, and warrant issued within ten days after information laid.

III. And be it enacted that it shall be lawful in any information for any felony under this Act to charge against the offender any number of the matters, acts or deeds, by which such compassings, imaginations, inventions, devices or intentions, as aforesaid, or any of them, shall have been expressed, uttered, or declared.

Any number of the matters charged against an offender may constitute an information.

IV. Provided always, and be it enacted, that nothing herein contained shall lessen the force of, or in any manner affect any thing enacted by the statute passed in the twenty-fifth year of King Edward the Third, "A declaration, which offences shall be adjudged treason."

Proviso, with reference to statute of Ed. 3.

V. Provided always, and be it enacted, that if the facts and matters alleged in the information for any felony under this Act shall amount in law to treason, such information shall not by reason thereof be deemed void, erroneous, or defective; and if the facts or matters proved on the trial of any person indicted for felony under this Act, shall amount in law to treason, such person shall not by reason thereof be entitled to be acquitted of such felony, but no person tried for such felony shall be afterwards prosecuted for treason upon the same facts.

Proviso, in reference to the law of treason.

VI. And be it enacted, that in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable, and every accessory after the fact, to any such felony, shall, on conviction, be liable to be imprisoned, with or without hard labour, for any term not exceeding two years.

Duration of a felon's punishment under this Act.

No. 3.

32 Vic. c. 16. *An Act to amend the Act 31 Vic. c. 7, to amend the Law with respect to Treasonable Offences.* (Assented to 14th April, 1869.)

I. That the first section of the said Act shall be and the same is hereby repealed.

II. That if any person shall within the Bahama Islands compass, devise, or intend to deprive or depose our Most Gracious Lady the Queen, Her Heirs and Successors, from the style, honour, or Royal name of the Imperial Crown of the United Kingdom, or of these islands, or of any of Her Majesty's Dominions, or to levy war against Her Majesty, Her Heirs or Successors, for any treasonable purposes, or to move or to stir any foreigner or stranger with force to invade any part of Her Majesty's Dominions, and such compassings, devices or intentions, or any of them, shall express, utter or declare by publishing any printing or writing, or by open or avowed speaking, or by any overt act or deed whatsoever, any person so offending shall be guilty of felony, and being convicted thereof shall be liable to undergo penal servitude for

Felony to compass, devise or intent to depose the Queen or her successors.

This Act and
31 Vic. c. 7 to be
construed as one.

the term of his natural life, or for any term not less than seven years, or to be imprisoned for any term not exceeding two years, with or without hard labour as the Court shall direct.

III. That this Act shall be taken as part and parcel of the Act to which it is an amendment, and the provisions of the said Act and this Act shall be construed as if they were passed and enacted at the same time and formed one Act.

CLASS II.

PIRACY.

The following Acts of Parliament relating to this offence are in force here, viz., 27 Hen. 8, c. 4; 28 Hen. 8, c. 15; 11 & 12 Wm. 3, c. 7; 18 Geo. 2, c. 30; 39 Geo. 3, c. 37; and 1 Vic. c. 88.

No. 1.

55 Vic. c. 6. *An Act relating to the Punishment for the Crime of Piracy.* (Assented to 8th April, 1892.)

Offences amount-
ing to piracy how
punishable.

I. Whosoever shall hereafter be convicted of any offence which by any of the laws now in force amounts to the crime of piracy and is made punishable with penal servitude for fifteen years shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, or to be imprisoned for any term not exceeding three years.

CLASS III.

FORGERY.

No. 1.

4 Vic. c. 31. *An Act to amend the Laws relative to Forgery.* (25th February, 1841.)

Repeals certain
Acts.

I. Repeals so much of Declaratory Act, 40 Geo. 3, c. 2, as declares the following Acts of Parliament to be in force, viz.: 5 Eliz. c. 14; 7 Geo. 2, c. 22; and 2 Geo. 2, c. 25, except so far as the last-mentioned Act relates to perjury and subornation of perjury.

Penalty for forg-
ing any note,
bill, &c., with in-
tent to defraud.

II. That if any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill, note, receipt, debenture, or other security, entitling or evidencing the title of any person or persons, or of any body corporate, to any share or interest in any public loan, stock, or fund, whether of the United Kingdom or of any part of it, or of this, or any other of Her Majesty's colonial possessions, or of any foreign state, colony, or possession, or in any fund of any body corporate, company, or society, or in any savings or other bank or banks, or any endorsement on, or assignment of any such bill, note, receipt, debenture, or other security, or any will, testa-

ment, codicil, or testamentary writing, or any bill of exchange, or any promissory note, for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant, or order, for the payment of money, or any endorsement on, or assignment of, any bill of exchange, or promissory note, undertaking, warrant, or order, for the payment of money, with intent, in any of the cases aforesaid, to defraud any person whatsoever, every such offender shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years.

III. That if any person shall wilfully make any false entry in, or wilfully alter any word or figure in any of the books of account kept at the public bank of this colony, or shall in any manner wilfully falsify the account of any owner of any stock of such bank, or of any depositor of money in such bank, with intent, in any of the cases aforesaid, to defraud any person whatsoever, every such offender shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years.

Penalty for wilfully making any false entry in books at the public bank.

IV. That if any person shall forge or alter, or shall utter, knowing the same to be forged or altered, any transfer of any share or interest of or in any public loan, stock, or fund, which now is or hereafter may be transferable or payable at the public bank or at the public treasury of these islands, or of or in the stock or funds of any body corporate, or of any company or society, or shall forge or alter, or shall utter, knowing the same to be forged or altered, any power of attorney, or any other authority, to transfer any share or interest of or in any such public loan, stock, or fund, or other stock or fund, as is hereinbefore mentioned, or to receive any dividend or interest money payable in respect of any such share or interest, or shall demand or endeavour to have any such share or interest transferred, or to receive any dividend or interest money payable in respect thereof, by virtue of any such forged or altered power of attorney, or other authority, knowing the same to be forged or altered, with intent, in any of the several cases aforesaid, to defraud any person whatsoever, or if any person shall falsely and deceitfully personate any owner of any such share, interest, or dividend, as aforesaid, and thereby transfer, or endeavour to transfer, any such share or interest belonging to such owner, or thereby receive or endeavour to receive any money due to such owner, as if such person was the true and lawful owner, every such offender shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years.

Penalty for wilfully forging, &c., any public loan, stock, or fund, &c., &c.

Penalty for deceitfully personating the owner of any share, &c.

V. That if any person shall forge the name or handwriting of any person, as or purporting to be a witness, attesting the execution of any power of attorney or other authority, to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock, as is hereinbefore mentioned, or to receive any dividend payable in respect of any such share or interest, or shall utter any such power of attorney or other authority, with the name or handwriting of any person forged thereon as an attesting witness, knowing the same to be forged, every such offender shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years.

Penalty for forging the handwriting of a witness to power of attorney.

VI. That if any person shall forge, or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any deed, bond, or writing, obligatory, or any acquittance or receipt, either for money or goods, or for any note, bill, or other security for payment of money, or any warrant, order, or request for the delivery or transfer of goods, or for the delivery of any note, bill, or other security for the payment of money, with intent to defraud any person whatsoever, every such offender shall be guilty of felony, and being convicted thereof shall be imprisoned for any term not exceeding four years.

Penalty for wilfully forging any deed, &c.

Penalty for the unauthorised acknowledgments of a recognizance.

VII. That if any person shall before any court, judge, or other person lawfully authorised to take any recognizance of bail, acknowledge any recognizance of bail, in the name of any other person not privy or consenting to the same, whether such recognizance of bail in either case be or be not filed; or if any person shall, in the name of any other person not privy or consenting to the same, acknowledge any fine, recovery, *cognovit actionem*, or judgment, or any deed to be enrolled, every such offender shall be guilty of felony, and being convicted thereof shall be imprisoned for any term not exceeding four years.

Penalty for the unauthorised engraving any bill of exchange.

VIII. That if any person shall engrave, or in anywise make upon any plate whatsoever, or upon any wood, stone, or other material, any bill of exchange, or promissory note, for the payment of money, or any part of any bill of exchange, or promissory note, for the payment of money, purporting to be the bill or note, or part of the bill or note of any person or persons, body corporate, or mercantile company, without the authority of such person or persons, body corporate or company, the proof of which authority shall lie on the party accused, or if any person shall engrave, or make upon any plate whatever, or upon any wood, stone, or other material, any word or words resembling, or apparently intended to resemble, any subscription subjoined to any bill of exchange or promissory note, for the payment of money issued by any such person or persons, body corporate, or company carrying on the business of bankers without such authority, to be proved as aforesaid; or if any person shall, without such authority, to be proved as aforesaid, use, or shall without lawful excuse, to be proved by the party accused, knowingly have in his custody or possession, any plate, wood, stone, or other material, upon which any such bill or note, or part thereof, or any word or words resembling, or apparently intended to resemble, such subscription, shall be engraved or made: or if any person shall, without such authority, to be proved as aforesaid, knowingly offer, utter, dispose of, or put off, or shall, without lawful excuse to be proved as aforesaid, knowingly have in his custody or possession any paper upon which any part of such bill or note, or any word or words resembling, or apparently intended to resemble, any such subscription, shall be made or printed, every such offender shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding three years.

Discretion as to punishment of offenders.

IX. That when any person shall be convicted of any offence punishable under this Act, it shall be lawful for the court to sentence the offender to be imprisoned with or without hard labour, within or without the walls of any lawful prison within these islands, and also to direct that the offender shall be kept in solitary confinement, for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year as to the court in its discretion shall seem meet.

Definition of the terms "custody," "person."

X. That where the having any matter in the custody or possession of any person, is in this Act expressed to be an offence, if any person shall have such matter in his personal custody or possession, or shall knowingly and wilfully have any such matter in any dwelling-house or other building, lodging, apartment, field, or other place, open or enclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use, or for the use or benefit of another, every such person shall be deemed and taken to have such matter in his custody or possession, within the meaning of this Act, and where the committing any offence with intent to defraud any person whatsoever is made punishable by this Act, in every such case the word "person," shall, throughout this Act, be deemed to include Her Majesty, or any foreign prince or state, or any body

corporate, or any company or society of persons not incorporated, or any person or number of persons whatsoever who may be intended to be defrauded by such offence, whether such body corporate, company, society, person, or number of persons whatsoever, who may be intended to be defrauded by such offence, shall reside or carry on business within these islands or elsewhere, in any place or country, whether under the dominion of Her Majesty or not; and it shall be sufficient in any indictment to name one person only of such company, society, or number of persons, and to allege the offence to have been committed with intent to defraud the person so named and another, or others, as the case may be,

No. 2.

25 Vic. c. 15. *Record of Deeds.*

XVII. That if any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any certificate, affidavit, affirmation or other testimonial authorised by this Act to be granted, made, or taken, every person so offending shall be guilty of felony, and shall be liable, on conviction, to the same and the like punishment as is imposed by the Act of Assembly, 4 Vic. c. 31, on persons convicted of forgery under that Act.

Penalty on forging or altering or putting off, knowing the same to be forged or altered, any certificate, &c., authorised by this Act to be granted.

No. 3.

42 Vic. c. 6. *Divorce Act.*

LXVIII. That if any person shall forge any seal or signature impressed, affixed, or subscribed to any affidavit, declaration, or affirmation to be used in the Court for Divorce and Matrimonial Causes, or shall tender in evidence any such document as aforesaid, with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to be imprisoned with or without hard labour for any term not exceeding three years, nor less than one year; and whenever any such document has been admitted in evidence by virtue of this Act, the Court or the person who has admitted the same may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded and be kept in custody of some officer of the Court or other proper person for such period and subject to such conditions as to the said Court or person shall seem meet.

Penalty for forging any seal or signature to any document to be used in divorce matters,

CLASS IV.

OFFENCES AGAINST THE PERSON. MALICIOUS INJURIES TO PROPERTY. LARCENY AND OFFENCES CONNECTED THEREWITH.

OFFENCES AGAINST THE PERSON.

No. 1.

28 Vic. c. 3. *An Act for amending the Statute Law of the Bahama Islands relating to Offences against the Person.* (Assented to 24th February, 1865.)

Homicide.

Murder.

I. Whosoever shall be convicted of murder shall suffer death as a felon.

Sentence for murder.

II. Upon every conviction of murder the Court shall pronounce sentence of death, and the same may be carried into execution, and all other proceedings upon such sentence and in respect thereof may be had and taken in the same manner in all respects as sentence of death might have been pronounced and carried into execution, and all other proceedings thereupon, and in respect thereof, might have been had and taken, before the passing of this Act, upon a conviction for any other felony for which the prisoner might have been sentenced to suffer death as a felon.

Manslaughter.

III. Whosoever shall be convicted of manslaughter shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, or to pay such fine as the Court shall award, in addition to, or without any such other discretionary punishment as aforesaid.

Information for murder or manslaughter.

IV. In any information for murder or manslaughter, or for being an accessory to any murder or manslaughter, it shall not be necessary to set forth the manner in which, or the means by which, the death of the deceased was caused; but it shall be sufficient, in any information for murder, to charge that the defendant did feloniously, wilfully, and of his malice aforethought, kill and murder the deceased; and it shall be sufficient, in any information for manslaughter, to charge that the defendant did feloniously kill and slay the deceased; and it shall be sufficient, in any information against any accessory to any murder or manslaughter, to charge the principal with the murder or manslaughter (as the case may be), in the manner hereinbefore specified, and then to charge the defendant as an accessory in the manner heretofore used and accustomed.

Excusable homicides.

V. No punishment or forfeiture shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any other manner without felony.

Petit treason.

VI. Every offence which before the commencement of the Act of the 4th year of King William the Fourth, chapter six, would have amounted to petty treason, shall be deemed to be murder only and no greater offence; and all persons guilty in respect thereof, whether as principals or as accessories, shall be dealt with, prosecuted, tried, and punished as principals and accessories to murder.

Attempts to Murder.

Administering poison or wounding, with intent to murder.

VII. Whosoever shall administer to, or cause to be administered to, or to be taken by any person, any poison or other destructive thing, or shall, by any means whatsoever, wound or cause any grievous bodily

harm to any person, with intent, in any of the cases aforesaid, to commit murder, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

VIII. Whosoever, by the explosion of gunpowder or other explosive substance, shall destroy or damage any building with intent to commit murder shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Destroying or
damaging a
building with
gunpowder, with
intent to murder.

IX. Whosoever shall set fire to any ship or vessel, or any part thereof, or any part of the tackle, apparel, or furniture thereof, or any goods or chattels being therein, or shall cast away or destroy any ship or vessel, with intent, in any of such cases, to commit murder, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Setting fire to or
casting away a
ship, with intent
to murder.

X. Whosoever shall attempt to administer to, or shall attempt to cause to be administered to, or to be taken by any person, any poison or other destructive thing; or shall shoot at any person, or shall, by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person with intent, in any of the cases aforesaid, to commit murder, shall, whether any bodily injury be effected or not, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Attempting to
administer
poison, or shoot-
ing or attempt-
ing to drown,
&c., with intent
to murder.

XI. Whosoever shall, by any means other than those specified in any of the preceding sections of this Act, attempt to commit murder shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

By any other
means attempt-
ing to commit
murder.

Letters threatening to Murder.

XII. Whosoever shall maliciously send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and, if a male under the age of sixteen years, with or without whipping.

Sending letters
threatening to
murder.

Acts causing or tending to cause Danger to Life or Bodily Harm.

XIII. Whosoever shall unlawfully and maliciously prevent or impede any person, being on board of, or having quitted any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, in his endeavour to save his life, or shall unlawfully and maliciously prevent or

Impeding a per-
son endeavouring
to save himself
from shipwreck.

impede any person in his endeavour to save the life of any such person as in this section first aforesaid, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Shooting or attempting to shoot, or wounding with intent to do grievous bodily harm.

XIV. Whosoever shall unlawfully and maliciously, by any means whatsoever, wound or cause any grievous bodily harm to any person, or shoot at any person, or by drawing a trigger, or in any other manner, attempt to discharge any kind of loaded arms at any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person; or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

What shall constitute loaded arms.

XV. Any gun, pistol, or other arms, which shall be loaded in the barrel with gunpowder, or any other explosive substance, and ball, shot, slug, or other destructive material, shall be deemed to be loaded arms, within the meaning of this Act, although the attempt to discharge the same may fail from want of proper priming or from any other cause.

Inflicting bodily injury with or without weapon.

XVI. Whosoever shall unlawfully and maliciously wound, or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Attempting to choke, &c., in order to commit any indictable offence.

XVII. Whosoever shall, by any means whatsoever, attempt to choke, suffocate, or strangle any other person, or shall, by any means calculated to choke, suffocate, or strangle, attempt to render any other person insensible, unconscious, or incapable of resistance, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person, in committing any criminal offence, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Using chloroform, &c., to commit any indictable offence.

XVIII. Whosoever shall unlawfully apply, or administer to, or cause to be taken by, or attempt to apply or administer to, or attempt to cause to be administered to or taken by, any person, chloroform, laudanum, or other stupefying or overpowering drug, matter, or thing, with intent in any of such cases thereby to enable himself, or any other person, to commit, or with intent in any of such cases thereby to assist any other person in committing any criminal offence, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any other term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Maliciously administering poison, &c., so as to endanger life, &c.

XIX. Whosoever shall unlawfully and maliciously administer to, or cause to be administered to, or taken by any other person, any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three

years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

XX. Whosoever shall unlawfully and maliciously administer to, or cause to be administered to, or taken by any other person, any poison or other destructive or noxious thing, with intent to injure, aggrieve, or annoy such person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Maliciously administering poison, &c., with intent to injure, aggrieve, or annoy any other person.

XXI. If upon the trial of any person for any felony in the last but one preceding section mentioned the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any misdemeanor in the last preceding section mentioned, then and in every such case the jury may acquit the accused of such felony, and find him guilty of such misdemeanor, and thereupon he shall be liable to be punished in the same manner as if convicted of such misdemeanor.

If the jury be not satisfied that any person charged is guilty of felony, but guilty of misdemeanor, they may find him guilty accordingly.

XXII. Whosoever being legally liable, either as a master or a mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, shall wilfully and without lawful excuse refuse or neglect to provide the same, or shall unlawfully and maliciously do, or cause to be done, any bodily harm to any such apprentice or servant so that the life of any such apprentice or servant shall be endangered, or the health of such apprentice or servant shall have been, or shall be likely to be, permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Not providing apprentices or servants with food, &c., whereby life endangered.

XXIII. Whosoever shall unlawfully abandon or expose any child, being under the age of two years, whereby the life of such child shall be endangered, or the health of such child shall have been, or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Exposing children whereby life endangered.

XXIV. Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burn, maim, disfigure, disable, or do any grievous bodily harm to any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and, if a male under the age of sixteen years, with or without whipping.

Causing bodily injury by gunpowder.

XXV. Whosoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode, or send or deliver to, or cause to be taken or received by, any person any explosive substance, or any other dangerous or noxious thing, or put or lay at any place, or cast, or throw at or upon, or otherwise apply to any person any corrosive fluid, or any destructive or explosive substance, with intent, in any of the cases aforesaid, to burn, maim, disfigure, or disable any person, or to do some grievous bodily harm to any person, shall, whether any bodily injury be effected or not, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two

Causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person with intent to do grievous bodily harm.

Placing gun-
powder near a
building, with
intent to do
bodily injury to
any person.

years, with or without hard labour, and with or without solitary confinement; and if a male under the age of sixteen years with or without whipping.

XXVI. Whosoever shall unlawfully and maliciously place, or throw in, into, upon, against, or near any building, ship, or vessel, any gun-powder or other explosive substance, with intent to do any bodily injury to any person shall, whether or not any explosion take place, and whether or not any bodily injury be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and if a male under the age of sixteen years, with or without whipping.

Setting spring
guns, &c., with
intent to inflict
grievous bodily
harm.

XXVII. Whosoever shall set or place, or cause to be set or placed, any spring-gun, man-trap, or other engine, calculated to destroy human life, or inflict grievous bodily harm, with the intent that the same, or whereby the same, may destroy or inflict grievous bodily harm upon a trespasser or other person coming in contact therewith, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour. And whosoever shall knowingly and wilfully permit any such spring-gun, man-trap, or other engine, which may have been set or placed in any place, then being in, or afterwards coming into his possession or occupation by some other person, to continue to so set or place, shall be deemed to have set and placed such gun, trap, or engine with such intent as aforesaid: Provided that nothing in this section contained shall extend to make it illegal to set or place any gun or trap, such as may have been, or may be usually set or placed with the intent of destroying vermin: Provided also, that nothing in this section shall be deemed to make it unlawful to set or place, or caused to be set or placed, or to be continued set or placed, from sunset to sunrise any spring gun, man-trap, or other engine which shall be set or placed in a dwelling-house for the protection thereof.

Drivers of car-
riages injuring
persons by
furious driving.

XXVIII. Whosoever having the charge of any carriage or vehicle shall, by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect, do, or cause to be done, any bodily harm to any person whatsoever, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Assaults.

Assaulting a
clergyman or
other minister
in the discharge
of his duties.

XXIX. Whosoever shall by threats or force obstruct or prevent, or endeavour to obstruct or prevent, any clergyman or other minister in or from celebrating Divine Service, or otherwise officiating in any church, chapel, meeting-house, or other place of divine worship, or in or from the performance of his duty in the lawful burial of the dead, in any churchyard, or other burial place, or shall strike or offer any violence to, or shall upon any civil process or under the pretence of executing any civil process, arrest any clergyman or other minister who is engaged in, or to the knowledge of the offender is about to engage in any of the rites or duties in this section aforesaid, or who to the knowledge of the offender shall be going to perform the same, or returning from the performance thereof shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Assaulting a
magistrate, &c.

XXX. Whosoever shall assault and strike or wound any magistrate, officer, or other person whatsoever, lawfully authorised in, or on account

of the exercise of his duty in, or concerning the preservation of any vessel in distress, or of any vessel, goods, effects wrecked, stranded or cast on shore, or lying under water, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

on account of
his preserving
wreck.

XXXI. Whosoever shall assault any person with intent to commit felony, or shall assault, resist, or wilfully obstruct any peace officer in the due execution of his duty, or any person acting in aid of such officer, or shall assault any person with intent to resist or prevent the lawful apprehension or detainer of himself, or of any other person for any offence, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Assault with intent to commit felony, or on peace officers, &c.

XXXII. Whosoever, in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, business, or manufacture, or respecting any person concerned or employed therein, shall unlawfully assault any person shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Assaults arising from combination.

XXXIII. Where any person shall unlawfully assault or beat any other person, any police or acting police magistrate, or other salaried magistrate, or any two other Justices of the Peace, upon complaint by or on behalf of the party aggrieved, may hear and determine such offence, and the offender shall, upon conviction thereof, before him or them, at the discretion of the magistrate or other justices, either be committed to any lawful prison within the colony, there to be imprisoned with or without hard labour for any term not exceeding two months, or else shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs (if ordered), the sum of five pounds; and if such fine as shall be so awarded, together with the costs (if ordered), shall not be paid, either immediately after the conviction, or within such period as the said magistrates or justices shall at the time of the conviction appoint, they may commit the offender to any lawful prison within the colony, there to be imprisoned with or without hard labour for any term not exceeding two months, unless such fine and costs be sooner paid.

Persons committing any common assault or battery may be imprisoned or compelled by two magistrates to pay fine and costs not exceeding £5.

XXXIV. When any person shall be charged before any such magistrate as aforesaid, or before any two Justices of the Peace, with an assault or battery upon any male child whose age shall not, in the opinion of such justices, exceed fourteen years, or upon any female, either upon the complaint of the party aggrieved or otherwise, the said magistrate or justices, if the assault or battery is of such an aggravated nature that it cannot, in their opinion, be sufficiently punished under the provisions hereinbefore contained as to common assaults and batteries, may proceed to hear and determine the same in a summary way, and, if the same be proved, may convict the person accused; and every such offender shall be liable to be imprisoned in any lawful prison of the colony, with or without hard labour, for any period not exceeding six months, or to pay a fine not exceeding (together with costs) the sum of twenty pounds, and in default of payment to be imprisoned in any lawful prison of the colony, for any period not exceeding six months, unless such fine and costs be sooner paid, and if the justices shall so think fit, in any of the said cases, shall be bound to keep the peace and be of good behaviour for any period not exceeding six months from the expiration of such sentence.

Persons convicted of aggravated assaults on females and boys under fourteen years of age may be imprisoned or fined.

XXXV. Repealed by "The Magistrates Act, 1896."

Certificate or conviction shall be a bar to any other proceedings.

XXXVI. If any person against whom any such complaint, as in either of the last three preceding sections mentioned, shall have been preferred by or on behalf of the party aggrieved, shall have obtained such certificate, or, having been convicted, shall have paid the whole amount adjudged to be paid, or shall have suffered the imprisonment, or imprisonment with hard labour awarded, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

These provisions not to apply to certain cases.

XXXVII. Provided that in case the justices shall find the assault or battery complained of to have been accompanied by any attempt to commit felony, or shall be of opinion that the same is, from any other circumstance, a fit subject for a prosecution in a Superior Court, they shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as if they had no authority finally to hear and determine the same: Provided also, that nothing herein contained shall authorise any justices to hear and determine any cases of assault or battery, in which any question shall arise as to the title to any lands, tenements, or hereditaments, or any interest therein or accruing therefrom, or as to any bankruptcy or insolvency, or any execution under the process of any Court of Justice.

Assault occasioning bodily harm.

XXXVIII. Whosoever shall be convicted in any Court of Superior Criminal Justice of any assault, occasioning actual bodily harm, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall be in like manner convicted of a common assault shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding six months, or to pay a fine not exceeding twenty-five pounds.*

Common assault.

Rape, Abduction, and Defilement of Women.

Rape.

XXXIX. Whosoever shall be convicted of the crime of rape shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

XL. Repealed by 52 Vic. c. 24.

XLI. and XLII. Repealed by 39 Vic. c. 6.

Persons convicted of attempts to commit rape.

XLIII. Whosoever shall be convicted of any assault, with intent to commit a rape, or of any indecent assault upon any female, or of any attempt to have carnal knowledge of any girl under twelve years of age, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Indecent assaults, &c., how punished.

Abduction of a woman against her will from motives of lucre.

XLIV. Where any woman of any age shall have any interest, whether legal or equitable, present or future, absolute, conditional or contingent, in any real or personal estate, or shall be a presumptive heiress or co-heiress, or presumptive next of kin, or one of the presumptive next of kin, to any one having such interest, whosoever shall, from motives of lucre, take away or detain such woman against her will, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person; and whosoever shall fraudulently allure, take away, or detain such woman, being under the age of twenty-one years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty of felony, and being

Fraudulent abduction of a girl under age, against the will of her father, &c.

* Hard labour may be imposed on conviction for common assault. See 56 Vic. c. 16.

convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall be convicted of any offence against this section shall be incapable of taking any estate or interest, legal or equitable, in any real or personal property of such woman, or in which she shall have any such interest, or which shall come to her as such heiress, co-heiress, or next of kin as aforesaid; and if any such marriage as aforesaid shall have taken place, such property shall, upon such conviction, be settled in such manner as the Court of Chancery shall, upon any information at the suit of the Attorney-General, appoint.

Offender incapable of taking any of her property.

XLV. Whosoever shall by force take away or detain against her will any woman of any age, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Forceful abduction of any woman with intent to marry her.

XLVI. Whosoever shall unlawfully take, or cause to be taken, any unmarried girl, being under the age of sixteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Abduction of a girl under sixteen years of age.

XLVII. Whosoever shall unlawfully, either by force or fraud, lead or take away, or decoy, or entice away, or detain any child under the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong; and whosoever shall, with any such intent, receive or harbour any such child, knowing the same to have been by force or fraud led, taken, decoyed, enticed away or detained, as in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and if a male under the age of sixteen years, with or without whipping: Provided that no person who shall have claimed any right to the possession of such child, or shall be the mother, or shall have claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child, or taking such child out of the possession of any person having the lawful charge thereof.

Child stealing.

Bigamy.

XLVIII. Whosoever being married shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in the Bahama Islands or elsewhere, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour: Provided that nothing in this section contained shall extend to any second marriage contracted elsewhere than in the Bahama Islands by any other than a subject of Her Majesty, or to any person

Bigamy.

Not to extend to second marriages, &c., herein stated.

marrying a second time, whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who at the time of such second marriage shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.*

Attempt to procure Abortion.

Administering drugs or using instruments to procure abortion.

XLIX. Every woman being with child who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent; and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Procuring drugs, &c., to cause abortion.

L. Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Concealing the Birth of a Child.

Concealing the birth of a child.

LI. If any woman shall be delivered of a child, every person who shall by any secret disposition of the dead body of the said child, whether such child died before, at, or after its birth, endeavour to conceal the birth thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour: Provided that if any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the jury, by whose verdict such person shall be acquitted, to find, in case it shall so appear in evidence, that the child had recently been born, and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if such person had been convicted upon an indictment for the concealment of the birth.

Unnatural Offences.

Sodomy and bestiality.

LII. Whosoever shall be convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than ten years.

Attempt to commit an infamous crime.

LIII. Whosoever shall attempt to commit the said abominable crime, or shall be guilty of an assault with intent to commit the same,

* So much of this section as refers to a second marriage celebrated elsewhere than in the Bahama Islands is repealed by 29 Vic. c. 2.

or of any indecent assault upon any male person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

LIV. Whenever, upon the trial of any offence punishable under this Act, it may be necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon proof of penetration only.

Carnal knowledge defined.

Other Matters.

LV. Any constable or police officer may take into custody without a warrant any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed, or being about to commit, any felony in this Act mentioned, and shall take such person, as soon as reasonably may be, before a Justice of the Peace, to be dealt with according to law.

A person loitering at night, and suspected of any felony against this Act, may be apprehended.

LVI. In the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except murder) shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour; and every accessory after the fact to murder shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall counsel, aid, or abet the commission of any misdemeanor punishable under this Act shall be liable to be proceeded against, prosecuted, and punished as a principal offender.

Punishment of principals in the second degree and accessories.

LVII. This section, which provided for the punishment of offences committed within the jurisdiction of the Admiralty of England, is repealed by 29 Vic. c. 2.

LVIII. Every person who under this or any other Act shall be sentenced or ordered to undergo penal servitude may during the time of the sentence or order be confined in any prison or place of confinement in any part of the colony which the Governor may from time to time direct; but in default of and until any such direction shall be given, every such person shall be confined in the prison in the Island of New Providence.*

Persons sentenced to penal servitude to be imprisoned in any prison until the Governor's directions are received.

LIX. Every person sentenced or ordered to undergo penal servitude under this or any other Act as aforesaid shall be kept at hard labour within or without the walls of any such prison as aforesaid, according to such rules and regulations as may from time to time be in force in the colony for regulating prison discipline.*

Persons sentenced to penal servitude to be kept to hard labour.

LX. Whenever the Royal prerogative of mercy shall be exercised in favour of any person convicted of any capital felony, it shall be lawful for the Governor in his discretion to order such convict to undergo penal servitude for any period he may think fit, and every such convict shall thereupon be subject to be treated and dealt with in all respects as if he had been originally sentenced to penal servitude under this Act.

In case of pardon for capital felony, Governor may order penal servitude.

LXI. Whenever the Governor shall direct any one or more convicts to be removed from the prison in the Island of New Providence to an out-island prison, or from one out-island prison to another, an order in writing for the purpose shall be made out and passed under the hand

Convicts, how removed.

* See 60 Vic. c. 16, *post*, No. 7 of this Class, extending the provisions of these sections.

and seal at arms of the Governor, and every such order shall be a sufficient warrant and authority for the removal and conveyance of such convict or convicts from any one part of the colony to any other part or parts, and shall protect all persons acting under its authority to the same extent as persons are now by law protected for acting under the authority of warrants of arrest in criminal cases.*

Hard labour in any lawful prison within the colony.

LXII. Whenever imprisonment, with or without hard labour, may be awarded for any offence under this or any other Act, the Court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in any lawful prison within the colony.

Solitary confinement and whipping.

LXIII. Whenever solitary confinement may be awarded for any offence under this or any other Act, the Court may direct the offender to be kept in solitary confinement for any portion or portions of any imprisonment, or of any imprisonment with hard labour, which the Court may award, not exceeding one month at any one time, and not exceeding three months in any one year; and whenever whipping may be awarded for any offence under this or any other Act, the Court may sentence the offender to be once privately whipped, and the number of strokes shall be specified by the Court in the sentence.

Fine and sureties for keeping the peace.

LXIV. Whenever any person shall be convicted of any misdemeanor punishable under this or any other Act, the Court may, if it shall think fit, in addition to, or in lieu of any punishment by such Act authorised, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this or any other Act otherwise than with death, the Court may, if it shall think fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace in addition to any punishment by such Act authorised: Provided that no person shall be imprisoned for not finding sureties under this clause for any period exceeding one year.

In what cases.

LXV. Repealed by "The Magistrates Act, 1896."

On a conviction for assault with misdemeanor, the Court may order payments of costs by the defendant.

LXVI. Where any person shall be convicted in any Superior Court of an assault, whether with or without cutting and wounding, or either of them, or of any misdemeanor, whether at common law or under this or any other statute, such person may, if the Court think fit, in addition to any sentence which the Court may deem proper for the offence, be adjudged to pay the actual and necessary costs and expenses of the prosecution, including attendance and travelling expenses of the witnesses for the Crown; and, unless the sum so awarded shall be sooner paid, the offender shall be imprisoned for any term the Court shall award, not exceeding three months, in addition to the term of imprisonment (if any), to which the offender may be sentenced for the offence.

Such costs may be levied by distress.

LXVII. The Court may by warrant order such sum as shall be so awarded to be levied by distress and sale of the goods and chattels of the offender and paid to the parties respectively entitled to receive the same, and the surplus, if any, arising from such sale shall be paid to the owner; and in case such sum shall be so levied the imprisonment awarded, until payment of such sum, shall thereupon cease.

How offences punishable on summary conviction shall be prosecuted.

LXVIII. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act of Assembly of the twelfth year of Her Majesty's reign, chapter ten, and in every such case the party accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

LXIX. Repealed by "The Magistrates Act, 1896."

* See 60 Vict. c. 16, *post*, No. 7 of this Class, extending the provisions of this section.

No. 2.

40 Vic. c. 3. *An Act to render Personation with intent to deprive any Person of Real Estate or other Property, Felony.* (Assented to 27th March, 1877.)

I. If any person shall falsely and deceitfully personate any person, or the heir, executor, or administrator, wife, widow, next of kin, or relation of any person, with intent fraudulently to obtain any land, estate, chattel, money, valuable security, or property, he shall be guilty of felony, and upon conviction shall be liable, at the discretion of the Court by which he is convicted, to be kept in penal servitude for life, or for any period not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Personating any person fraudulently to obtain land, &c., &c., felony.

II. Nothing in this Act shall prevent any person from being proceeded against and punished under any other Act, or at Common Law, in respect of an offence (if any) punishable as well under this Act as under any other Act or at Common Law.

This Act not to prevent punishment under any other Act.

III. This Act may be cited for all purposes as "The False Personation Act, 1877."

Name.

No. 3.

47 Vic. c. 9. *An Act to regulate the making and possession of Explosive Substances, and for other purposes.* (Assented to 14th May, 1884.)

I. Any person who unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be guilty of felony, and on conviction shall be liable to penal servitude for life or for any less term (not less than the minimum term allowed by law) or to imprisonment, with or without hard labour, for a term not exceeding two years.

Penalty for causing explosion likely to endanger life or property.

II. Any person who within or (being a subject of Her Majesty's) without Her Majesty's dominions unlawfully and maliciously—

Punishment for attempt to cause an explosion, or for making or keeping explosives with intent to endanger life or property.

(a) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion in the Bahama Islands of a nature likely to endanger life or to cause serious injury to property; or

(b) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life or cause serious injury to property in the Bahama Islands, or to enable any other person by means thereof to endanger life or cause serious injury to property in the Bahama Islands,

shall, whether any explosion does or not take place, and whether any injury to person or property has been actually caused or not, be guilty of felony, and on conviction shall be liable to penal servitude for a term not exceeding twenty years, or to imprisonment, with or without hard labour, for a term not exceeding two years, and the explosive substance shall be forfeited.*

* By 48 Vic. c. 2, *post*, No. 4 of this Class the provisions of this Act are limited to offences committed within the Bahama Islands.

Punishment for making or possession of explosive under suspicious circumstances.

III. (1.) Any person who makes or knowingly has in his possession or under his control, any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it, or does not have it in his possession, or under his control, for a lawful object, shall, unless he can show that he made it, or had it in his possession or under his control for a lawful object, be guilty of felony, and on conviction shall be liable to penal servitude for a term not exceeding fourteen years, or to imprisonment for a term not exceeding two years, with or without hard labour, and the explosive substance shall be forfeited.

(2.) In any proceeding against any person for a crime under this section, such person and his wife, or husband, as the case may be, may, if such person thinks fit, be called, sworn, examined, and cross-examined as an ordinary witness in the case.

Punishment of accessories.

IV. Any person who within or (being a subject of Her Majesty) without Her Majesty's dominions by the supply of or solicitation for money, the providing of premises, the supply of materials, or in any manner whatsoever procures, counsels, aids, abets, or is accessory to the commission of any crime under this Act, shall be guilty of felony, and shall be liable to be tried and punished for that crime as if he had been guilty as a principal.*

Inquiry by Attorney-General and apprehension of absconding witnesses.

V. (1.) Where the Attorney-General has reasonable ground to believe that any crime under this Act has been committed, he may order an inquiry under this section, and thereupon any Justice of the Peace who is authorised in that behalf by the Attorney-General, may, although no person may be charged before him with the commission of such crime, sit at a Police Court or Police Station in the Island or District in which such Justice may then be, and examine on oath concerning such crime any witness appearing before him, and may take the deposition of such witness, and, if he see cause, may bind such witness by recognizance, to appear and give evidence at the next session of the General Court, or when called upon within three months from the date of such recognizance; and the law relating to the compelling of the attendance of a witness before a Justice, and to a witness attending before a Justice and required to give evidence concerning the matter of an information or complaint, shall apply to compelling the attendance of a witness for examination and to a witness attending under this section.

(2.) A witness examined under this section shall not be excused from answering any question on the ground that the answer thereto may criminate, or tend to criminate, himself, but any statement made by any person in answer to any question put to him on any examination under this section shall not, except in the case of an information or other criminal proceeding for perjury, be admissible in evidence against him in any proceeding, civil or criminal.

(3.) A Justice who conducts the examination under this section of a person concerning any crime, shall not take part in the committing for trial of such person for such crime.

(4.) Whenever any person is bound by recognizance to give evidence before Justices or the General Court in respect of any crime under this Act, any Justice if he sees fit, upon information being made in writing, and on oath, that such person is about to abscond, or has absconded, may issue his warrant for the arrest of such person, and if such person is arrested, any Justice, upon being satisfied that the ends of justice would otherwise be defeated, may commit such person to prison until the time at which he is bound by such recognizance to give evidence, unless in the meantime he produces sufficient sureties: Provided that any person

* See note to Section 2.

so arrested shall be entitled, on demand, to receive a copy of the information upon which the warrant for his arrest was issued.

VI. (1.) If any person is charged before a Justice with any crime under this Act, no further proceeding shall be taken against such person without the consent of the Attorney-General, except such as the Justice may think necessary by remand, or otherwise, to secure the safe custody of the person.

No prosecution except by leave of Attorney-General procedure, and saving.

(2.) In framing an information the same criminal act may be charged in different counts as constituting different crimes under this Act; and upon the trial of any such information the Attorney-General shall not be put to his election as to the count on which he must proceed.

(3.) For all purposes of and incidental to arrest, trial, and punishment a crime for which a person is liable to be punished under this Act, when committed out of the Bahama Islands, shall be deemed to have been committed in the place in which such person is apprehended or is in custody.

(4.) This Act shall not exempt any person from any information or proceeding for a crime or offence which is punishable at common law, or by any Act of Parliament other than this Act, but no person shall be punished twice for the same criminal Act.

VII. And for the better prevention of the introduction into these Islands of any explosive substance, except for a legal purpose; Be it enacted that it shall be lawful for the Port Officer at the Port of Nassau, or in case of his absence, illness, or other incapacity, any person appointed by the Receiver-General and Treasurer for the purpose, and for any Revenue officer, or Police Constable at any out-island of this Government, where there is reasonable cause to suspect that any person arriving at the Port of Nassau or at any island of this Government, either from foreign parts or from another island of this Government, has in his possession, or under his charge or control any explosive substance, to search such person, and to examine and search all parcels and packages in the possession or under the charge or control of any such person.

Suspected persons may be searched, and all parcels and packages.

VIII. If upon any search made under the authority of the preceding section, any explosive substance is found in the possession or under the charge or control of any person, it shall be the duty of the party making such search to cause the person in whose possession or under whose charge and control the explosive substance has been found, to be detained to be dealt with under the provisions of this Act, and to keep in his possession the said explosive substance, and to deal with the same as he may be directed by order of the Governor, acting with the advice of the Executive Council, who is hereby authorised, should it be deemed necessary so to do, to order the destruction thereof, or that the same shall be returned to the party from whom the same may have been taken.

Any person having explosive substances may be detained.

IX. The powers given by the seventh section of this Act may be exercised by the parties mentioned therein as well on board of any vessel which may have arrived within the limits of this Government as on shore, within any island of this Government.

Search may extend to vessels.

X. In this Act the expression "explosive substance" means nitro-glycerine, dynamite, and gun-cotton, and any materials for making any explosive substance; also any apparatus, machine, implement, or materials used, or intended to be used, or adapted for causing, or aiding in causing any explosion in or with any explosive substance; also any part of any such apparatus, machine, or implement.

Definition.

XI. This Act may be cited as "The Explosive Substances Act, 1884." Title

No. 4.

48 Vic. c. 2. *An Act to amend "The Explosive Substances Act, 1884."*
(Assented to 16th March, 1885.)

Act only extends
within Bahamas.

I. That the provisions of the said Act shall only extend and apply where any offence created thereunder has been committed within the Bahama Islands, anything in the said Act to the contrary notwithstanding.

No. 5.

52 Vic. c. 24. *An Act to make further Provision for the protection of Women and Girls, the Suppression of Brothels, and other purposes.*
(Assented to 23rd May, 1889.)

Title of Act.

I. This Act may be cited as "The Criminal Law Amendment Act, 1889."

PART I.

PROTECTION OF WOMEN AND GIRLS.

II. Any person who—

Procuring defilement of a girl or woman under age.

(1) procures or attempts to procure any girl or woman under twenty-one years of age, not being a common prostitute or of known immoral character, to have unlawful carnal connection either within or without the Bahama Islands with any other person or persons; or

Procuring a woman or girl to become a common prostitute.

(2) procures or attempts to procure any woman or girl to become, either within or without the Bahama Islands, a common prostitute; or

Procuring a woman or girl to become an inmate of a brothel.

(3) procures or attempts to procure any woman or girl to leave the Bahama Islands with intent that she may become an inmate of a brothel elsewhere; or

Procuring a woman or girl to leave her usual place of abode to become an inmate of a brothel.

(4) procures or attempts to procure any woman or girl to leave her usual place of abode in the Bahama Islands (such place not being a brothel) with intent that she may for the purposes of prostitution become an inmate of a brothel within or without the Bahama Islands,

shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Proviso.

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness unless such witness be corroborated in some material particular by evidence implicating the accused.

III. Any person who—

Procuring by threats the defilement of a woman or girl.

(1) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection either within or without the Bahama Islands; or

Procuring by false pretences the defilement of a woman or girl.

(2) by false pretences or false representations procures any woman or girl not being a common prostitute or of known immoral character, to have any unlawful carnal connection either within or without the Bahama Islands; or

Applies or administers drugs to any woman or girl with intent to stupefy for purpose of defilement.

(3) applies, administers to, or causes to be taken by any woman or girl any drug, matter, or thing with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,

shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused. Proviso.

IV. Any person who unlawfully and carnally knows any girl under the age of thirteen years shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour. Carnally knowing a girl under the age of thirteen.

Any person who attempts to have unlawful carnal knowledge of any girl under the age of thirteen years shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour. Carnally attempting to know a girl under the age of thirteen years.

Provided that in case of an offender whose age does not exceed sixteen years the Court may, instead of sentencing him to any term of imprisonment, order him to be whipped in the manner prescribed by the tenth section of "The Summary Jurisdiction Act, 1880," with respect to young persons dealt with thereunder. Proviso.

When upon the hearing of a charge under this section the girl in respect of whom the offence is charged to have been committed or any other child of tender years who is tendered as a witness does not in the opinion of the Court or Justices understand the nature of an oath the evidence of such girl or other child of tender years may be received though not given upon oath, if in the opinion of the Court or Justices, as the case may be, such girl or other child of tender years is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth: *Provided* that no person shall be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution shall be corroborated by some other material evidence in support thereof implicating the accused: *Provided also* that any witness whose evidence has been admitted under this section shall be liable to indictment and punishment for perjury in all respects as if he or she had been sworn. Evidence of a child of tender years may be received without being sworn.

Provided that no person shall be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution shall be corroborated by some other material evidence in support thereof implicating the accused: *Provided also* that any witness whose evidence has been admitted under this section shall be liable to indictment and punishment for perjury in all respects as if he or she had been sworn. Proviso.

Whereas doubts have been entertained whether a man who induces a married woman to permit him to have connection with her by personating her husband is or is not guilty of rape, it is hereby enacted and declared that every such offender shall be deemed to be guilty of rape. Rape.

V. Any person who—

- (1) unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any girl being of or above the age of thirteen years and under the age of sixteen years; or
- (2) unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any female idiot or imbecile woman or girl, under circumstances which do not amount to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile,

shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Provided that it shall be a sufficient defence to any charge under subsection one of this section if it shall be made to appear to the Court Proviso.

or Jury before whom the charge shall be brought that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years.

Proviso.

Provided also that no prosecution shall be commenced for an offence under sub-section one of this section more than three months after the commission of the offence.*

Induces a girl to resort to house of ill-fame to be carnally known.

VI. Any person who being the owner or occupier of any premises, or having, or acting; or assisting in the management or control thereof, induces or knowingly suffers any girl of such age as is in the section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally,

If under the age of thirteen shall be guilty of felony.

(1) shall, if such girl is under the age of thirteen years, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and

If between the ages of thirteen and sixteen shall be guilty of a misdemeanor.

(2) if such girl is of or above the age of thirteen and under the age of sixteen years, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Proviso.

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the Court or Jury before whom the charge shall be brought that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years.

Abduction of an unmarried girl under age against the will of her father, &c.

VII. Any person who—with intent that any unmarried girl under the age of eighteen years should be unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally—takes or causes to be taken such girl out of the possession and against the will of her father or mother or any other person having the lawful care or charge of her, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years with or without hard labour.

Proviso.

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the Court or Jury that the person so charged had reasonable cause to believe that the girl was of or above the age of eighteen years.

Detaining a woman or girl upon any premises to be carnally known.

VIII. Any person who detains any woman or girl against her will—

(1) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man, or generally, or

Detaining a woman or girl in any brothel to be carnally known.

(2) in any brothel, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years with or without hard labour. When a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel, if with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging

* Extended to six months by 61 Vic. c. 6.

to her, or, when wearing apparel has been lent or otherwise supplied to such woman or girl by or by the direction of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied, no legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

Withholding
wearing apparel.

IX. If upon the trial of any information for rape or any offence made felony by section four of this Act the Jury shall be satisfied that the defendant is guilty of an offence under section three, four, or five of this Act, or of an indecent assault, but are not satisfied that the defendant is guilty of the felony charged in such indictment or of an attempt to commit the same, then and in every such case the Jury may acquit the defendant of such felony and find him guilty of such offence as aforesaid, or of an indecent assault, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such offence as aforesaid or for the misdemeanor of indecent assault.

Upon trial for
rape, jury may
acquit defendant
and find him
guilty of an inde-
cent assault.

X. If it appears to any justice of the peace on information made before him on oath by any parent, relative, or guardian of any woman or girl or any other person, who in the opinion of the justice is *bonâ fide* acting in the interest of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such justice, such justice may issue a warrant authorising any person named therein to search for, and when found to take to and detain in a place of safety such woman or girl until she can be brought before a justice of the peace; and the justice of the peace before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

Justice of the
Peace may issue
a warrant to
search for and
apprehend a wo-
man or girl un-
lawfully detained
for immoral pur-
poses.

The justice of the peace issuing such warrant may by the same or any other warrant cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before a justice, and proceedings to be taken for punishing such person according to law.

Person accused
of unlawfully de-
taining a woman
or girl may be
apprehended.

A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully or carnally known by any man, whether any particular man or generally, and—

Woman or girl
deemed to be un-
lawfully detained
if under sixteen
years.

- (a) either is under the age of sixteen years; or
- (b) if of or over the age of sixteen years and under the age of eighteen years, is so detained against her will or against the will of her father or mother, or of any other person having the lawful care or charge of her; or
- (c) if of or above the age of eighteen years is so detained against her will.

Or between the
ages of sixteen
and eighteen
against her will,
&c.

Any person authorised by warrant under this section to search for any woman or girl so detained as aforesaid may enter (if need be by force) any house, building, or other place specified in such warrant, and may remove such woman or girl therefrom.

Constable may
enter a house,
building, or other
place by force,
under certain
circumstances.

Provided always, that every warrant issued under this section shall be addressed to and executed by some inspector or other officer of police, who shall be accompanied by the parent, relative, or guardian, or other person making the information, if such person so desire, unless the justice shall otherwise direct.

Proviso.

XI. Any male person who in public or private commits, or is a party to the commission of, or procures, or attempts to procure the commission

Gross indecency
by male persons.

Seduction or
prostitution of a
girl under age of
sixteen.

by any male person of any act of gross indecency with another male person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

XII. When on the trial of any offence under this Act it is proved to the satisfaction of the Court that the seduction or prostitution of a girl under the age of sixteen has been caused, encouraged, or favoured by her father, mother, guardian, master, or mistress, it shall be in the power of the Court to divest such father, mother, guardian, master, or mistress of all authority over her, and to appoint any person or persons willing to take charge of such girl to be her guardian until she has attained the age of twenty-one, or any age below this as the Court may direct, and the General Court shall have the power from time to time to rescind or vary such order by the appointment of any other person or persons as such guardian or in any other respect.

PART II.

SUPPRESSION OF BROTHELS.

XIII. Any person who—

Keeping, &c. a
brothel.

(1) keeps, or manages, or acts, or assists in the management of a brothel ; or

Allowing pre-
mises to be used
as a brothel.

(2) being the tenant, lessee, or occupier of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or for the purposes of habitual prostitution ; or

Letting premises
to be used as a
brothel.

(3) being the lessor or landlord, of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel,

shall, on summary conviction, in manner provided by the Summary Jurisdiction Acts, be liable—

Penalty.

(1) to a penalty not exceeding twenty pounds, or, in the discretion of the Court, to imprisonment for any term not exceeding three months, with or without hard labour, and

Penalty for
second or subse-
quent conviction.

(2) on a second or subsequent conviction to a penalty not exceeding forty pounds, or, in the discretion of the Court, to imprisonment for any term not exceeding four months, with or without hard labour ; and in case of a third or subsequent conviction, such person may, in addition to such penalty or imprisonment as last aforesaid, be required by the Court to enter into a recognizance, with or without sureties, as to the Court seems meet, to be of good behaviour for any period not exceeding twelve months, and, in default of entering into such recognizance, with or without sureties (as the case may be), such person may be imprisoned for any period not exceeding three months in addition to any such term of imprisonment as aforesaid.

Appeal.

Any person, on being summarily convicted in pursuance of this section, may appeal to the General Court against such conviction.

Proceedings at
Common law
may be taken.

XIV. This Act shall not exempt any person from any proceeding for an offence which is punishable at common law or under any Act of Assembly other than this Act, so that a person be not punished twice for the same offence.

Court may allow
costs.

XV. The Court before which any misdemeanor indictable under this Act, or any case of indecent assault, shall be prosecuted or tried, may allow the costs of the prosecution in the same manner as in cases of

felony, and may in like manner, on conviction, order payment of such costs by the person convicted; and every order for the allowance or payment of such costs shall be made out and the sum of money mentioned therein paid and repaid upon the same terms and in the same manner in all respects as in cases of felony.

XVI. Section forty of the Act of Assembly, twenty-eight Victoria, chapter three, and the thirty-ninth Victoria, chapter six, shall be and the same are hereby repealed, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken, or of prosecuting or punishing any person for any offence committed before the passing of this Act. Repeals.

XVII. Every person charged with an offence under this Act, or under section thirty-nine and sections forty-three to forty-six, both inclusive of the Act of Assembly, twenty-eight Victoria, chapter three, or any of such sections, and the husband or wife of the person so charged shall be competent but not compellable witnesses on every hearing at every stage of such charge. Witnesses.

No. 6.

56 Vic. c. 16. *An Act to provide for the more effectual Punishment of certain Offences by Imprisonment with Hard Labour.* (Assented to 7th June, 1893.)

I. Whenever any person shall be convicted of any one of the offences hereinafter specified and set forth, that is to say : any attempt to commit felony; any riot or common assault; keeping a common gaming house, a common bawdy-house, or a common, ill-governed, and disorderly house; it shall and may be lawful for the Court before which any such offender shall be convicted, or which by law is authorised to pass sentence upon any such offender, to award and order (if such Court shall think fit) sentence of imprisonment with hard labour, for any term not exceeding the term for which such Court may now imprison for such offences, either in addition to or in lieu of any other punishment which may be inflicted on any such offenders, by any law in force before the passing of this Act; and every such offender shall thereupon suffer such sentence, in such place, and for such time as aforesaid, as such Court shall think fit to direct. Punishment for certain offences.

No. 7.

60 Vic. c. 16. *An Act to extend the Provisions of certain Sections of the Criminal Law of the Colony.* (Assented to 20th May, 1897.)

I. This Act may be cited for all purposes as "The Prisoners Removal Act, 1897." Title of Act.

II. Where the words "principal Act" are used in this Act they shall be held to refer to and mean the Act of Assembly, 28 Victoria, chapter 3. Meaning of the words "principal Act."

III. The provisions of the fifty-eighth, fifty-ninth, and sixty-first sections of the principal Act are hereby extended to the following persons, that is to say : Extends the provisions of Sections 58, 59, and 61 of the principal Act to certain persons.

(a) Every person who, being sent from an Out-island for trial in the Supreme Court, has been sentenced or ordered to undergo imprisonment, with or without hard labour.

(b) Every person who has been committed by an Out-island Magistrate upon summary conviction and sentenced or ordered to undergo imprisonment, with or without hard labour.

Payment of expenses.

IV. All expenses incurred in carrying out the provisions contained in the sections hereby extended and this Act shall be paid out of the Public Treasury by warrant in the usual manner.

No. 8.

60 Vic. c. 18. *An Act to amend the Criminal Law as to Indecent Assaults on Young Persons.* (Assented to 20th May, 1897.)

Short title.

I. This Act may be cited for all purposes as "The Criminal Law Amendment Act, 1897."

Consent to act of indecency no defence to charge.

II. It shall be no defence to a charge or information for an indecent assault on a young person under the age of thirteen to prove that he or she consented to the act of indecency.

No. 9.

61 Vic. c. 6. *An Act to amend "The Criminal Law Amendment Act, 1889."* (Assented to 26th January, 1898.)

Amends proviso two in section V. of "Criminal Law Amendment Act, 1889."

I. That the period named in the said proviso two in section five of "The Criminal Law Amendment Act, 1889," shall be and the same is hereby extended from the period of three months to the period of six months.

Construction of Act.

II. This Act shall be read, and be construed with, as part of the said hereinbefore recited Act.

No. 10.

MALICIOUS INJURIES TO PROPERTY.

28 Vic. c. 31. *An Act to amend the Statute Law of the Bahama Islands, relating to Malicious Injuries to Property.* (Assented to 3rd May, 1865.)

Injuries by Fire to Buildings and Goods therein.

Setting fire to a church or chapel.

I. Whosoever shall unlawfully and maliciously set fire to any church, chapel, meeting-house, or other place of Divine worship, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to a dwelling-house, any person being therein.

II. Whosoever shall unlawfully and maliciously set fire to any dwelling house, any person being therein, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three

years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

III. Whosoever shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, store-house, granary, hovel or shed, or to any farm-building, or to any building or erection used in farming land, or for any agricultural purpose, or the carrying on any trade or manufacture, or any branch thereof, whether the same shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to a house, an out-house, manufactory, farm building, &c.

IV. Whosoever shall unlawfully and maliciously set fire to any building other than such as are in this Act before mentioned, belonging to the Queen or to the Colonial Government, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to any public building.

V. Whosoever shall unlawfully and maliciously set fire to any building, other than such as are in this Act before mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to other buildings.

VI. Whosoever shall unlawfully and maliciously set fire to any matter or thing, being in, against, or under any building, under such circumstances that if the building were thereby set fire to, the offence would amount to felony, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male, under the age of sixteen years, with or without whipping.

Setting fire to goods in any building, the setting fire to which is felony.

VII. Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to any building, or any matter or thing in the last preceding section mentioned, under such circumstances that if the same were thereby set fire to, the offender would be guilty of felony; shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Attempting to set fire to buildings.

Injuries by Explosive Substances to Buildings and Goods therein.

VIII. Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroy, throw down, or damage the whole or any part of any dwelling-house, any person being therein, or of any building whereby the life of any person shall be en-

Destroying or damaging a house with gunpowder, any person being therein.

dangered, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Attempting to
destroy buildings
with gunpowder.

IX. Whosoever shall unlawfully and maliciously place or throw in, into, upon, under, against, or near any building, any gunpowder or other explosive substance, with intent to destroy or damage any building, or any engine, machinery, working tools, fixtures, goods or chattels, shall whether or not any explosion take place, and whether or not any damage be caused, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries to Buildings by Rioters, &c.

Rioters de-
molishing church
building, &c.

X. If any persons riotously and tumultuously assembled together, to the disturbance of the public peace, shall unlawfully and with force demolish, or pull down or destroy, or begin to demolish, pull down, or destroy any church, chapel, meeting-house, or other place of Divine worship, or any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, granary, shed or hovel, or any building or erection used in farming land, or for agricultural purpose, or in carrying on any trade or manufacture, or any branch thereof, or any building other than such as are in this section before mentioned, belonging to the Queen or to the Colonial Government, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture, or in any branch thereof, every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without solitary confinement.

Rioters injuring
building, ma-
chinery, &c.

XI. If any persons riotously and tumultuously assembled together, to the disturbance of the public peace, shall unlawfully and with force injure or damage any such church, chapel, meeting-house, place of Divine worship, house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, granary, shed, hovel, building, erection, or machinery, as in the last preceding section mentioned, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour. Provided that if upon the trial of any person for felony in the last preceding section mentioned, the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any offence in this section mentioned, then the jury may find him guilty thereof, and he may be punished accordingly.

Injuries to Buildings by Tenants.

Tenants of
houses, &c.,
maliciously in-
juring them.

XII. Whosoever being possessed of any dwelling-house or other building, part of any dwelling-house or other building, held for any term of years, or other less term, or at will, or held over after the

termination of any tenancy, shall unlawfully and maliciously pull down or demolish, or begin to pull down or demolish the same or any part thereof, or shall unlawfully and maliciously pull down or sever from the freehold any fixture, being fixed in or to such dwelling-house or building, or part of such dwelling-house or building, shall be guilty of a misdemeanor.

XIII. Whosoever shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless any machine or engine, whether fixed or movable, prepared for or employed in any manufacture whatsoever, or any fire engine, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Felony to cut or destroy any machinery or fire engine.

Injuries to Corn, Trees, and Vegetable Productions.

XIV. Whosoever shall unlawfully and maliciously set fire to any crop of hay, grass, corn, grain or pulse, or of any cultivated vegetable produce, whether standing or cut down, or to any part of any wood, coppice, or plantation of trees, wheresoever the same may be growing, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to crops of corn, &c.

XV. Whosoever shall unlawfully and maliciously set fire to any stack of corn, grain, pulse, tares, hay, straw, or of any cultivated vegetable produce, or of coals, charcoal, wood or bark, or to any stack of wood or bark, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to stacks of corn, &c.

XVI. Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to any such matter or thing as in either of the last two preceding sections mentioned, under such circumstances that if the same were thereby set fire to, the offender would be under either of such sections guilty of felony, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Attempting to set fire to any crops of corn, &c., or to any stock or steer.

XVII. Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage, the whole or any part of any tree, sapling or shrub, or any underwood growing in any park, pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling-house (in case the amount of injury done shall exceed the sum of one pound), shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Destroying or damaging trees, shrubs, &c., to the value of more than £1, growing in a pleasure ground, &c.

Destroying or
damaging trees,
shrubs, &c., of
the value of more
than £5, growing
elsewhere than
in a pleasure
ground, &c.

XVIII. Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy, or damage the whole, or any part of any tree, sapling, or shrub, or any underwood, growing elsewhere than in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining to or belonging to any dwelling-house (in case the amount of injury done shall exceed the sum of five pounds), shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Damaging trees
whosoever
growing, to the
amount of 1s.

XIX. Whosoever shall unlawfully cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling or shrub, or any underwood, whosoever the same may be growing, the injury done being to the amount of one shilling at the least, shall, on conviction thereof before a Justice of the Peace, at the discretion of the justice, either be committed to the common jail, or house of correction, there to be imprisoned only, or be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding five pounds, as to the justice shall seem meet; and whosoever having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall for such second offence be committed to any lawful prison within the colony, there to be kept to hard labour for such term not exceeding twelve months as the convicting justice shall think fit; and whosoever, having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this Act), shall afterwards commit any of the said offences in this section before mentioned, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Second offence.

Third offence.

Destroying any
fruit or vegetable
production in a
garden.

XX. Whosoever shall unlawfully and maliciously destroy or damage with intent to destroy any plant, root, fruit, or vegetable production growing in any garden or orchard shall, on conviction thereof before a Justice of the Peace, at the discretion of the justice, either be committed to any lawful prison within the colony, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay over and above the amount of the injury done, such sum of money, not exceeding twenty pounds, as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Destroying, &c.,
vegetable pro-
ductions not
growing in
gardens, &c.

XXI. Whosoever shall unlawfully and maliciously destroy or damage with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land open or enclosed not being a garden or orchard shall, on conviction thereof before a Justice of the Peace, at the discretion of the justice, either be

committed to any lawful prison within the colony, there to be imprisoned only, or to be kept to hard labour for any term not exceeding one month, or else shall forfeit and pay over and above the amount of the injury done, such sum of money, not exceeding twenty shillings as to the justice shall seem meet, and in default of payment thereof, together with the costs if ordered, shall be committed as aforesaid for any term not exceeding one month, unless payment be sooner made, and whosoever having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to any lawful prison within the colony, there to be kept to hard labour for such term, not exceeding six months, as the convicting justice shall think fit.

Second offence.

Injuries to Fences.

XXII. Whosoever shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any fence of any description whatsoever, or any wall, stile or gate, or any part thereof respectively shall, on conviction thereof before a Justice of the Peace, for the first offence forfeit and pay over and above the amount of the injury done, such sum of money not exceeding five pounds, as to the justice shall seem meet; and whosoever having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to any lawful prison within the colony, there to be kept to hard labour for such term not exceeding twelve months, as the convicting justice shall think fit.

Destroying, &c.,
any fence, wall,
stile, or gate.

Second offence.

Injuries to Sea Walls, &c.

XXIII. Whosoever shall unlawfully and maliciously break down, cut down, or otherwise damage or destroy any sea-bank or sea-wall, or the bank, dam, or wall of, or belonging to any canal, drain, reservoir, pool or marsh, whereby any land or building shall be, or shall be in danger of being overflowed or damaged, or shall unlawfully and maliciously throw, break, or cut down, level, undermine, or otherwise damage, or destroy any quay, abutment, jetty, lock, sluice, flood-gate, drain, watercourse, or other works belonging to, or abutting on any port, harbour, dock, or reservoir, or shall unlawfully and maliciously damage any public esplanade, or like public work, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than one year, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Destroying any
sea-bank or wall
on any canal.

XXIV. Whosoever shall unlawfully and maliciously cut off, draw up, or remove any piles, blocks of stone, or other materials fixed in the ground, or otherwise used for securing any sea-bank, or sea-wall, or the bank, dam, or wall of any canal, drain, aqueduct, marsh, reservoir, pool, port, harbour, dock, quay, abutment, wharf, jetty or lock, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding three years and not less than one year, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Removing the
piles of any sea-
bank, &c.

XXV. Whosoever shall unlawfully and maliciously cut through, break down, or otherwise destroy the dam, flood-gate, or sluice of any

Breaking down
the dam of a fish,

turtle or salt-pond, or poisoning fish, &c.

fish, turtle or salt-pond, with intent thereby to take or destroy any of the fish, turtle, or salt in such pond, or so as thereby to cause the loss or destruction of any of the fish, turtle, or salt, or shall unlawfully and maliciously put any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish, turtle or salt that may then be, or that may thereafter be put, or produced or manufactured therein, or shall unlawfully and maliciously cut through, break down, or otherwise destroy the dam or flood-gate of any mill, pond, reservoir, or pool, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding three years and not less than one year, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries to Works of Art.

Destroying or damaging works of art in museums, churches, or in public places.

XXVI. Whosoever shall unlawfully and maliciously destroy or damage any book, manuscript, picture, print, statue, bust, or vase, or any other article or thing, kept for the purposes of art, science, or literature, or as an object of curiosity in any museum, gallery, cabinet, library, or other repository, which museum, gallery, cabinet, library, or other repository, is either at all times, or from time to time, open for the admission of the public, or of any considerable number of persons, to view the same, either by the permission of the proprietor thereof; or by the payment of money before entering the same, or any picture, statue, monument, or other memorial of the dead, painted glass, or other ornament or work of art in any church, chapel, meeting-house, or other place of Divine worship, or in any building belonging to the Queen, or to the Colonial Government, or in any street, square, churchyard, burial-ground, public garden or ground, or any statue or monument exposed to public view, or any ornament, railing or fence surrounding such statue or monument, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding eighteen months, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping: Provided that nothing herein contained shall be deemed to affect the right of any person to recover by action at law damages for the injury so committed.

Injuries to Cattle and other Animals.

Killing or maiming cattle.

XXVII. Whosoever shall unlawfully and maliciously kill, maim, or wound any cattle, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Killing or maiming other animals.

XXVIII. Whosoever shall unlawfully and maliciously kill, maim, or wound any dog, bird, beast, or other animal, not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement, or for any domestic purpose, shall, on conviction thereof before a Justice of the Peace, at the discretion of the justice, either be committed to any lawful prison within the colony, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay over and above the amount of injury done such sum of money, not exceeding twenty pounds, as to the justice shall seem meet; and whosoever, having been convicted of any such offence, shall afterwards

Second offence.

commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to any lawful prison within the colony, there to be kept to hard labour for any term not exceeding twelve months, as the convicting justice shall think fit.

Injuries to Ships, &c.

XXIX. Repealed by 43 Vic. c. 18.

XXX. Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to, cast away, or destroy any ship or vessel under such circumstances, that if the ship or vessel were thereby set fire to, cast away, or destroyed, the offender would be guilty of felony, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

XXXI. Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any ship or vessel, any gunpowder or other explosive substance with intent to destroy or damage any ship or vessel, or any machinery, working tools, goods or chattels, shall, whether or not any explosion take place, and whether or not any injury be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Placing gunpowder near a vessel with intent to damage it.

XXXII. Whosoever shall unlawfully and maliciously damage otherwise than by fire, gunpowder, or other explosive substance, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or render the same useless, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Damaging ships otherwise than by fire.

XXXIII. Whosoever shall unlawfully mask, alter, or remove any light or signal, or unlawfully exhibit any false light or signal, with intent to bring any ship, vessel or boat into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship, vessel or boat, and for which no punishment is hereinbefore provided, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Exhibiting false signals, &c.

XXXIV. Whosoever shall unlawfully and maliciously cut away, cast adrift, remove, alter, deface, sink or destroy, or shall unlawfully or maliciously do any act with intent to cut away, cast adrift, remove, alter, deface, sink or destroy, or shall in any other manner unlawfully and maliciously injure or conceal any boat, buoy, buoy-rope, beacon, or mark, used or intended for the guidance of seamen, or for the purpose of navigation, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal

Removing or concealing buoys and other sea marks.

Destroying
wrecks or any
articles belong-
ing thereto.

servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

XXXV. Whosoever shall unlawfully and maliciously destroy any part of any ship or vessel, which shall be in distress, or wrecked, stranded or cast on shore, or any goods, merchandise or articles of any kind, belonging to such ship or vessel, or who shall unlawfully and maliciously destroy or damage any vessel, whether the same be complete or in an unfinished state, in any manner not coming within the preceding sections of this Act, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Sending Letters threatening to burn or destroy.

Sending letters
threatening to
burn or destroy
houses, build-
ings, ships, &c.

XXXVI. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing, threatening to burn or destroy any house, barn, or other building, or any rick, or stack of lumber, grain, hay, or straw, or other agricultural produce, in or under any building, or any ship or vessel, or to kill, maim, or wound any cattle, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and, if a male under the age of sixteen years, with or without whipping.

Injuries not before provided for.

Persons commit-
ting malicious
injuries not
before provided
for exceeding the
amount of £5.

XXXVII. Whosoever shall unlawfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, the damage, injury, or spoil being to an amount exceeding five pounds, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour; and in case any such offence shall be committed between the hours of nine of the clock in the evening and six of the clock in the next morning, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding five years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Persons commit-
ting damage to
any property, in
any case not pre-
viously provided
for, may be com-
mitted or fined,
and compelled
by a justice to
pay compensa-
tion not exceed-
ing £5.

XXXVIII. Whosoever shall wilfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, shall on conviction thereof before a Justice of the Peace, at the discretion of the justice, either be committed to any lawful prison within the colony, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding two months, or else shall forfeit and pay such sum of money not exceeding five pounds, as to the justice shall seem meet; and also such further sum of money as shall appear to the justice to be a reasonable compensation for the damage, injury, or spoil so committed, not exceeding the sum of five pounds, which last-mentioned sum of money shall, in the case

of private property, be paid to the party aggrieved ; and in the case of property of a public nature, or wherein any public right is concerned, the money shall be applied in the same manner as every penalty imposed by a Justice of the Peace under this Act ; and if such sums of money, together with costs (if ordered), shall not be paid either immediately after the conviction or within such period as the justice shall at the time of the conviction appoint, the justice may commit the offender to any lawful prison within the colony, there to be imprisoned only, or to be imprisoned and kept to hard labour, as the justice shall think fit, for any term not exceeding two months, unless such sums and costs be sooner paid. Provided that nothing herein contained shall extend to any case where the party acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any trespass not being wilful and malicious, committed in hunting, fishing, or in the pursuit of game, but that every such trespass shall be punishable in the same manner as if this Act had not passed.

Application of the money awarded.

Not to extend to certain cases herein named.

XXXIX. The provisions in the last preceding section contained shall extend to any person who shall wilfully or maliciously commit any injury to any tree, sapling, shrub, or underwood, for which no punishment is hereinbefore provided.

Preceding section to extend to trees.

Other matters.

XL. In the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable ; and every accessory after the fact to any felony punishable under this Act shall on conviction be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement ; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under this Act, shall be liable to be proceeded against, prosecuted, and punished as a principal offender.

Principals in the second degree and accessories.

Abettors in misdemeanors.

XLI. Any constable or peace officer may take into custody, without warrant, any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed, or being about to commit, any offence against this Act, and shall take such person, as soon as reasonably may be, before a Justice of the Peace to be dealt with according to law.

A person loitering at night and suspected of any felony against this Act may be apprehended.

XLII. Every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable in a Superior Court of Criminal Justice or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

Malice against owner of property unnecessary.

XLIII. Every provision of this Act, not hereinbefore so applied, shall apply to every person who, with intent to injure or defraud any other person, shall do any of the acts hereinbefore made penal, although the offender shall be in possession of the property against or in respect of which such act shall be done.

Persons to whom certain provisions of this Act shall apply.

XLIV. It shall be sufficient in any information for any offence against this Act, where it shall be necessary to allege an intent to injure or defraud, to allege that the party accused did the act with intent to injure or defraud (as the case may be), without alleging an intent to injure or defraud any particular person ; and on the trial of any such offence it shall not be necessary to prove an intent to injure or defraud any particular person, but it shall be sufficient to prove that the party

Intent to injure or defraud particular persons need not be stated in any information.

Persons in the act of committing any offence may be apprehended without a warrant.

accused did the act charged with an intent to injure or defraud (as the case may be).

XLV. Any person found committing any offence against this Act, whether the same be punishable in a Superior Court of Criminal Justice or upon summary conviction, may be immediately apprehended without a warrant by any peace officer, or the owner of the property injured, or his servant, or any person authorised by him, and forthwith taken before some neighbouring Justice of the Peace to be dealt with according to law.

XLVI., XLVII., XLVIII., XLIX., L., LI., LII., LIII., and LIV. Repealed by "The Magistrates Act, 1896."

Proceedings against persons acting under this Act, how to be commenced.

Notice of action.

General issue, &c.

LV. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act, shall be commenced within six months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by, or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action, after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs, as between attorney and client, and have the like remedy for the same, as any defendant has by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge, before whom the trial shall be, shall certify his approbation of the action.

Mode of procedure.

LVI. (This section, which provided for the punishment of offences committed within the jurisdiction of the Admiralty of England, is repealed by 29 Vic. c. 2.)

LVII. Every offence, hereby made punishable on summary conviction, may be prosecuted in the manner directed by the Act of Assembly of the twelfth year of Her Majesty's reign, chapter ten; and in every such case the party accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

The word "cattle" interpreted.

LVIII. The word "cattle," as used in this Act, shall comprise horses, mares, colts, mules, asses, sheep, goats, and swine, as well as oxen, cows, calves, and other neat cattle.

No. 11.

43 Vic. c. 18. *An Act to amend the Law relating to Malicious Injuries to Property.* (Assented to 2nd April, 1880.)

Title.

I. This Act may be shortly cited as "The Malicious Injuries to Ships' Act, 1880."

Repeals.

II. Clause 29 of the 28 Victoria, chapter 31, is hereby repealed.

Setting fire to, casting away, or otherwise destroying ships.

III. Whosoever shall unlawfully and maliciously set fire to, cast away, or destroy any ship or vessel, within the limits of the Government of the Bahama Islands, or shall within the limits aforesaid conspire or otherwise agree or combine with any other person or persons to set fire

to, or cast away, or destroy any ship either within or without the limits aforesaid, or shall within the limits aforesaid do anything tending to the loss, destruction, or placing in peril of any ship or vessel, whether such ship or vessel shall or shall not be insured, and whether the owner thereof shall or shall not be known, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

No. 12.

LARCENY.

28 Vic. c. 37. *An Act to amend the Statute Law of the Bahama Islands relative to Larceny, and other Offences connected therewith.* (Assented to 3rd May, 1865.)

I. In the interpretation of this Act the term "document of title to goods" shall include any bill of lading, warehouse keeper's certificate, warrant, or order for the delivery or transfer of any goods or valuable thing, bought and sold note, or any other document used in the ordinary course of business, as proof of the possession or control of goods, or authorising or purporting to authorise, any either by indorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to: the term "document of title to lands" shall include any deed, map, paper, or parchment, written or printed, or partly written and partly printed, being or containing evidence of the title, or any part of the title, to any real estate, or to any interest in or out of any real estate: the term "trustee" shall mean a trustee on some express trust created by some deed, will, or instrument in writing, and shall include the heir or personal representative of any such trustee and any other person upon or to whom the duty of such trust shall have devolved or come, and also an executor and administrator, and an official manager, assignee, liquidator, or other like officer acting under any present or future Act relating to joint-stock companies, bankruptcy, or insolvency: the term "valuable security" shall include any order, acquittance, or other security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, or in any fund of any body corporate, company or society, or to any deposit in any bank, and shall also include any debenture, deed, bond, bill, note, warrant, order or other security whatsoever for money or for payment of money, and any document of title to lands or goods as hereinbefore defined: the term "property" shall include every description of real and personal property, money, debts and legacies, and all deeds and instruments relating to or evidencing the title or right to any property or giving a right to recover or receive any money or goods, and shall also include, not only such property as shall have been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise. For the purpose of this Act, the night shall be deemed to commence at seven of the o'clock in the evening of each day, and to conclude at five of the o'clock in the morning of the next succeeding day.

Interpretation of terms.
"Document of title to goods."
"Document of title to lands."
"Trustee."
"Valuable security."
"Property."
"Night."

II. Every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same

All larcenies to be of the same nature.

Bailees fraudulently converting property guilty of larceny.

Punishment for simple larceny.

Three larcenies within six months may be charged in one information.

Where a single taking is charged and several takings at different times are proved.

Larceny after a conviction for felony.

Larceny after conviction of an indictable misdemeanor now under this Act. Larceny after two summary convictions.

Stealing horses, cows, sheep, &c.

incidents in all respects as grand larceny was before the tenth day of December, one thousand eight hundred and thirty-eight.

III. Whosoever being a bailee of any chattel, money or valuable security, shall fraudulently take or convert the same to his own use or the use of any person, other than the owner thereof, although he shall not break bulk or otherwise determine the bailment, shall be guilty of larceny, and may be convicted thereof upon an information for larceny; but this section shall not extend to any offence punishable on summary conviction.

IV. Whosoever shall be convicted of simple larceny, or of any felony hereby made punishable like simple larceny, shall (except in the cases hereinafter provided for) be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

V. It shall be lawful to insert several counts in the same information against the same person for any number of distinct acts of stealing, not exceeding three, which may have been committed by him against the same person, within the space of six months from the first to the last of such acts, and to proceed thereon for all or any of them.

VI. If upon any trial for larceny it shall appear that the property alleged in the information to have been stolen at one time was taken at different times, the prosecuting officer shall not by reason thereof be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six months elapsed between the first and the last of such takings; and in either of such last-mentioned cases the prosecuting officer shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six months from the first to the last of such takings.

VII. Whosoever shall commit the offence of simple larceny after a previous conviction for felony, whether such conviction shall have taken place before a Superior Court of Criminal Law, or by summary conviction before a Justice or Justices of the Peace, under any statute law of the colony, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

VIII. Whosoever shall commit the offence of simple larceny or any offence hereby made punishable like simple larceny, after having been previously convicted of any misdemeanor punishable under this Act, or after having been twice summarily convicted of any of the offences punishable upon summary conviction, under the provisions of any Act relating to malicious injuries to property (whether each of the convictions shall have been in respect of an offence of the same description or not, and whether such convictions, or either of them, shall have been, or shall be before, or after the passing of this Act), shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

As to Larceny of Cattle or other Animals.

IX. Whosoever shall steal any horse, mare, gelding, colt or filly, or any bull, cow, ox, heifer or calf, or any ram, ewe, sheep or lamb, or any

mule, ass, hog or pig shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, and with or without hard labour, and with or without solitary confinement.

X. Whosoever shall wilfully kill any animal with intent to steal the carcase, skin, or any part of the animal so killed shall be guilty of felony, and being convicted thereof shall be liable to the same punishment as if he had been convicted of feloniously stealing the same, provided the offence of stealing the animal so killed would have amounted to felony.

Killing animals,
with intent to
steal the carcase,
&c.

XI. Whosoever shall steal any dog shall, on conviction thereof before two Justices of the Peace, either be committed to any lawful prison within the colony, there to be imprisoned, or to be imprisoned and kept to hard labour for any term not exceeding six months, or shall forfeit and pay over and above the value of the said dog such sum of money, not exceeding twenty pounds, as to the said justices shall seem meet; and whosoever, having been convicted of any such offence either against this or any former Act, shall afterwards steal any dog shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eighteen months, with or without hard labour.

Stealing dogs.

Second offence.

XII. Whosoever shall unlawfully have in his possession, or on his premises, any stolen dog or the skin of any stolen dog, knowing such dog to have been stolen, or such skin to be the skin of a stolen dog, shall, on conviction thereof before two Justices of the Peace, be liable to pay such sum of money, not exceeding twenty pounds, as to such justices shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards be guilty of any such offence as in this section before mentioned, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eighteen months, with or without hard labour.

Possession of
stolen dogs.

Second offence.

XIII. Whosoever shall corruptly take any money or reward, directly or indirectly, under pretence, or upon account of aiding any person to recover any dog which shall have been stolen, or which shall be in the possession of any person not being the owner thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the Court, to be imprisoned for any term not exceeding eighteen months, with or without hard labour.

Taking money to
restore dogs.

XIV. Whosoever shall steal any bird, beast or any other animal, ordinarily kept in a state of confinement, or for any domestic purpose, not being the subject of larceny at common law, or shall wilfully kill any such bird, beast, or animal, with intent to steal the same or any part thereof, shall on conviction thereof before a Justice of the Peace, at the discretion of the justice, either be committed to any lawful prison within the colony, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the bird, beast, or other animal, such sum of money, not exceeding twenty pounds, as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards commit any offence in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to any lawful prison within the colony, there to be kept to hard labour for such term not exceeding twelve months as the convicting justice shall think fit.

Stealing beasts
or birds ordi-
narily kept in
confinement, and
not the subjects
of larceny.

Second offence.

XV. If any such bird, or any of the plumage thereof, or any dog, or any such beast, or the skin thereof, or any such animal, or any part

Persons found in
possession of

stolen beasts,
&c., liable to
forfeiture.

thereof, shall be found in the possession, or on the premises of any person, any justice may restore the same respectively to the owner thereof; and any person in whose possession or on whose premises such bird, or the plumage thereof, or such beast, or the skin thereof, or such animal, or any part thereof, shall be so found (such person knowing that the bird, beast, or animal has been stolen, or that the plumage is the plumage of a stolen bird, or that the skin is the skin of a stolen beast, or that the part is a part of a stolen animal), shall, on conviction before a Justice of the Peace, be liable, for the first offence, to such forfeiture, and for every subsequent offence, to such punishment, as any person convicted of stealing any beast or bird is made liable to by the last preceding section.

Killing pigeons.

XVI. Whosoever shall unlawfully and wilfully kill, wound, or take any house dove or pigeon, under such circumstances as shall not amount to larceny at common law, shall, on conviction before a Justice of the Peace, forfeit and pay, over and above the value of the bird, any sum not exceeding two pounds.

As to Larceny of Fish and Turtle.

Taking fish,
turtle, or other
shell-fish in any
water situate on
land belonging
to a dwelling-
house; in a
private fishery
elsewhere.

XVII. Whosoever shall unlawfully and wilfully take, or destroy any fish, turtle or other shell-fish in any water which shall run through, or be in any land adjoining or belonging to the dwelling-house of any person being the owner of such water, or having a right of fishery therein, or being in any pond, or crawl, in which such fish or turtle, or other shell-fish, may have been placed, shall be guilty of a misdemeanor; and whosoever shall unlawfully and wilfully take or destroy, or attempt to take or destroy, any fish, turtle, or other shell-fish, in any water, or other place not being such as hereinbefore mentioned, but which shall be private property, or in which there shall be any private right of fishery, shall, on conviction thereof before a Justice of the Peace, forfeit and pay over and above the value of the fish, turtle, or other shell-fish taken or destroyed (if any), such sum of money, not exceeding five pounds, as to the justice shall seem meet.

The tackle of
fishers may be
seized.

XVIII. If any person shall at any time be found fishing, or turtling against the provisions of this Act, the owner of the ground, water, or fishery, where such offender shall be found, his servant, or any person authorised by him, may demand from such offender any rod, line, hook, net, or other implement for taking or destroying fish which shall then be in his possession, and, in case such offender shall not immediately deliver up the same, may seize and take the same from him for the use of such owner.

As to Larceny of Written Instruments.

Bonds, bills,
notes, &c.

XIX. Whosoever shall steal, or shall for any fraudulent purpose, destroy, cancel, or obliterate, the whole or any part of any valuable security other than a document of title to lands, shall be guilty of felony, of the same nature and in the same degree and punishable in the same manner as if he had stolen any chattel of like value with the share, interest or deposit, to which the security so stolen may relate, or with the money due on the security so stolen, so secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing represented, mentioned, or referred to in or by the security.

Deeds, &c.,
relating to real
property.

XX. Whosoever shall steal, or shall for any fraudulent purpose destroy, cancel, obliterate or conceal, the whole or any part of any document of title to lands, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for a term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or with-

out solitary confinement: and in any information for any such offence relating to any document of title to lands, it shall be sufficient to allege such document to be or to contain evidence of the title, or of part of the title of the person, or of some one of the persons having an interest, whether vested on contingent, legal or equitable, in the real estate to which the same relates, and to mention such real estate or some part thereof.

Form of information.

XXI. Whosoever shall, either during the life of the testator or after his death, steal, or for any fraudulent purpose destroy, cancel, obliterate or conceal, the whole or any part of any will, codicil or other testamentary instrument, whether the same shall relate to real or personal estate, or to both, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and it shall not in any information for such offence be necessary to allege that such will, codicil or other instrument is the property of any person; provided that nothing in this or the last preceding section mentioned, nor any proceeding, conviction or judgment to be had or taken thereupon, shall prevent, lessen or impeach any remedy at law or in equity which any party aggrieved by any such offence might or would have had, if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and no person shall be liable to be convicted of any of the felonies in this and the last preceding section mentioned by any evidence whatever, in respect of any act done by him, if he shall at any time previously to his being charged with such offence have first disclosed such act, on oath, in consequence of any compulsory process of any Court of law or equity in any action, suit or proceeding, which shall have been *bonâ fide* instituted by any party aggrieved, or if he shall have first disclosed the same in any compulsory examination or deposition before any Court upon the hearing of any matter in bankruptcy or insolvency.

Wills or codicils.

Form of information.

XXII. Whosoever shall steal, or shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously cancel, obliterate, injure or destroy the whole or any part of any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order or warrant of attorney, or of any original document whatsoever of or belonging to any Court of Record, or relating to any matter, civil or criminal, begun, depending, or terminating in any such Court, or of any bill, petition, answer, interrogatory, deposition, affidavit, order, or decree, or of any original document whatsoever of or belonging to any Court of Equity, or relating to any cause or matter begun, depending, or terminated in any such Court, or the whole or any part of any record of or belonging to any office of record, or of any original document in anywise relating to the business of any office or employment under Her Majesty, and being or remaining in any office appertaining to any Court of justice, or in any Government or public office, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement: and it shall not, in any information for such offence, be necessary to allege that the article in respect of which the offence is committed is the property of any person.

Stealing records or other legal documents.

Form of information.

As to Larceny of things attached to or growing on Land.

XXIII. Whosoever shall steal, or shall rip, cut, sever or break with intent to steal, any glass or woodwork belonging to any building what-

Metal, glass, wood, &c., fixed to house or land.

soever, or any lead, iron, copper, brass or other metal, or any utensil or fixture, whether made of metal or other material, or of both, respectively fixed in or to any building whatsoever, or of any thing made of metal or other material, or of both, respectively fixed in or to any building whatsoever, or any thing made of metal fixed in any land being private property, or for a fence to any dwelling-house, garden or area, or in any square or street, or in any place dedicated to public use or ornament, or in any burial ground, shall be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny, and in the case of any such thing fixed in any such square, street, or place as aforesaid, it shall not be necessary to allege the same to be the property of any person.

Trees in pleasure grounds of the value of £1, or elsewhere of the value of £5.

XXIV. Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, respectively growing in any park, pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling-house, shall (in case the value of the article or articles stolen or the amount of the injury done shall exceed the sum of one pound) be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny; and whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, respectively growing elsewhere than in any of the situations in this section before mentioned, shall (in case the value of the article or articles stolen or the amount of the injury done shall exceed the sum of five pounds) be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny.

Stealing trees, shrubs, &c., whosoever growing, and of any value above one shilling, punishable on summary conviction for first and second offence; third offence felony.

Second offence.

Third offence.

XXV. Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling or shrub, or any underwood, whosoever the same may be respectively growing, the stealing of such article or articles, or the injury done, being to the amount of a shilling at the least, shall, on conviction thereof before a Justice of the Peace, forfeit and pay, over and above the value of the article or articles stolen, or the amount of the injury done, such sum of money, not exceeding five pounds, as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before-mentioned, and shall be convicted thereof in like manner, shall, for such second offence, be committed to any lawful prison within the colony, there to be kept to hard labour for such term not exceeding twelve months, as the convicting justice shall think fit; and whosoever, having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this Act), shall afterwards commit any of the offences in this section before-mentioned, shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.

Stealing, &c., any live or dead fence, wooden fence, stile, or gate.

Second offence.

XXVI. Whosoever shall steal, or shall cut, break, or throw down, with intent to steal, any part of any live or dead fence, or stone wall, or any wooden post, pale, wire, or rail, set up or used as a fence, or any stile or gate, or any part thereof respectively, shall, on conviction thereof before a Justice of the Peace, forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money, not exceeding five pounds, as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before-mentioned, and shall be convicted thereof in like manner, shall be committed to any lawful

prison within the colony, there to be kept to hard labour for such term, not exceeding twelve months, as the convicting justice shall think fit.

XXVII. If the whole or any part of any tree, sapling, or shrub, or any underwood, or any part of any live or dead fence, or wall as aforesaid, or any post, pale, wire, rail, stile or gate, or any part thereof, being of the value of one shilling at the least, shall be found in the possession of any person, or on the premises of any person, with his knowledge, and such person, being taken or summoned before a Justice of the Peace, shall not satisfy the justice that he came lawfully by the same, he shall, on conviction by the justice, forfeit and pay, over and above the value of the article or articles so found, any sum not exceeding two pounds.

Suspected persons in possession of wood, &c., not satisfactorily accounting for it.

XXVIII. and XXIX. Repealed by 38 Vic. c. 2, *post*, No. 13 of this Class.

XXX. Whosoever shall steal any salt from any salt-pond, salt-pan, or salt heap adjacent to any salt-pond or pan, shall, on conviction before a Justice of the Peace, at the discretion of the justice, either be committed to any lawful prison within the colony, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding three calendar months, or else shall forfeit and pay, over and above the value of the salt so stolen or injured, such sum of money, not exceeding fifteen pounds lawful money, as aforesaid, as to such justices shall seem meet; and if any person so convicted shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony, and being convicted thereof shall be liable to the same and the like punishments as is hereinbefore provided for persons convicted of simple larceny.

Punishment for stealing salt from salt-ponds, &c.

As to Larceny from the Person and other like Offences.

XXXI. Whosoever shall rob any person, or shall steal any chattel, money or valuable security from the person of another, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Robbery or stealing from the person.

XXXII. If upon the trial of any person upon any information for robbery it shall appear to the jury, upon the evidence, that the defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob, the defendant shall not, by reason thereof, be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is guilty of an assault with intent to rob, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an information for feloniously assaulting with intent to rob; and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried.

On trial for robbery, jury may convict of an assault with intent to rob.

XXXIII. Whosoever shall assault any person with intent to rob shall be guilty of felony, and being convicted thereof shall (save and except in the cases where a greater punishment is provided by this Act) be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Assault with intent to rob.

XXXIV. Whosoever shall, being armed with any offensive weapon or instrument, rob, or assault with intent to rob, any person, or shall,

Robbery or assault by a person armed,

by two or more,
or robbery and
wounding.

together with one or more other person or persons, rob, or assault with intent to rob, any person, or shall rob any person, and at the time of or immediately before or immediately after, such robbery, shall wound, beat, strike or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Letter demand-
ing money, &c.,
with menaces.

XXXV. Whosoever shall send, deliver or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing demanding of any person with menaces, and without any reasonable or probable cause, any property, chattel, money, valuable security or other valuable thing, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Demanding
money, &c.,
with menaces or
by force, with
intent to steal.

XXXVI. Whosoever shall with menaces or by force demand any property, chattel, money, valuable security or other valuable thing, of any person with intent to steal the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Letter threaten-
ing to accuse of
crime with intent
to extort.

XXXVII. Whosoever shall send, deliver or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing accusing or threatening to accuse, any other person of any crime, punishable by law with death or penal servitude for not less than seven years, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any infamous crime as hereinafter defined, with a view or intent, in any of such cases, to extort or gain, by means of such letter or writing, any property, chattel, money, valuable security or other valuable thing, from any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping; and the abominable crime of buggery, committed either with mankind or with beast, and every assault with intent to commit the same abominable crime, and every attempt or endeavour to commit the said abominable crime, and every solicitation, persuasion, promise or threat, offered or made to any person, whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act.

"Infamous
crime" defined.

Accusing or
threatening to
accuse with
intent to extort.

XXXVIII. Whosoever shall accuse or threaten to accuse either the person to whom such accusation or threat shall be made, or any other person, of any of the infamous or other crimes lastly hereinbefore mentioned, with the view or intent, in any of the cases last aforesaid, to extort or gain from such person so accused, or threatened to be accused, or from any other person, any property, chattel, money, valuable security or other valuable thing, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

XXXIX. Whosoever, with intent to defraud or injure any other person, shall, by any unlawful violence to or restraint of or threat of violence to or restraint of the person of another, or by accusing or threatening to accuse any person of any treason, felony or infamous crime, as hereinbefore defined, compel or induce any person to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security, or to write, impress, or affix his name, or the name of any other person, or of any company, firm or co-partnership, or the seal of any body corporate, company or society, upon or to any paper or parchment, in order that the same may be afterwards made and converted into or used or dealt with as a valuable security, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Inducing a person by violence or threats to execute deeds, &c., with intent to defraud.

XL. It shall be immaterial whether the menaces or threats hereinbefore mentioned be of violence, injury or accusation to be caused or made by the offender or by any other person.

It shall be immaterial from whom the menaces proceed.

As to Sacrilege, Burglary, and Housebreaking.

XLI. Whosoever shall break and enter any church, chapel, meeting-house or other place of divine worship, and commit any felony therein, or being in any church, chapel, meeting-house or other place of divine worship, shall commit any felony therein and break out of the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Breaking and entering a church or chapel and committing any felony.

XLII. Whosoever shall enter the dwelling-house of another with intent to commit any felony therein, or being in such dwelling-house shall commit any felony therein, and shall in either case break out of the said dwelling-house in the night, shall be deemed guilty of burglary.

Burglary by breaking out.

XLIII. Whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Burglary.

XLIV. No building, although within the same curtilage with any dwelling and occupied therewith, shall be deemed to be part of such dwelling-house for any of the purposes of this Act, unless there shall be a communication between such building and dwelling-house, either immediate or by means of a covered and enclosed passage leading from the one to the other.

What building within the curtilage shall be deemed part of dwelling-house.

XLV. Whosoever shall enter any dwelling-house in the night, with intent to commit any felony therein, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Entering a dwelling-house in the night with intent to commit any felony.

XLVI. Whosoever shall break and enter any building and commit any felony therein, such building being within the curtilage of a dwelling-house and occupied therewith, but not being part thereof, according to the provision hereinbefore mentioned, or in any such building shall commit any felony therein and break out of the same,

Breaking into any building within the curtilage, which is no part of the dwelling-house, and committing any felony.

shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Breaking into any house, shop, warehouse, &c., and committing any felony.

XLVII. Whosoever shall break and enter any dwelling-house, school-house, shop, warehouse or counting-house, and commit any felony therein, or being in any dwelling-house, school-house, shop, warehouse or counting-house, shall commit any felony therein and break out of the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

House-breaking, &c., with intent to commit any felony.

XLVIII. Whosoever shall break and enter any dwelling-house, church, chapel, meeting-house, or other place of divine worship, or any building within the curtilage, school-house, shop, warehouse or counting-house, with intent to commit any felony therein, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Being armed with intent to break and enter any house in the night.

XLIX. Whosoever shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatsoever, and to commit any felony therein, or shall be found by night having in his possession without lawful excuse (the proof of which excuse shall lie on such person) any picklock, key, crow, jack, bit, or other implement of house-breaking; or shall be found by night having his face blackened or otherwise disguised with intent to commit any felony, or shall be found by night in any dwelling house or other building whatsoever, with intent to commit any felony therein, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

The like after a previous conviction for felony, &c.

L. Whosoever shall be convicted of any such misdemeanor as in the last preceding section mentioned, committed after a previous conviction, either for felony or such misdemeanor, shall on such subsequent conviction be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

As to Larceny in the House.

Stealing in a dwelling-house to the value of £5.

LI. Whosoever shall steal in any dwelling-house any chattel, money, or valuable security to the value in the whole of five pounds or more shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Stealing in a dwelling-house, with menaces.

LII. Whosoever shall steal any chattel, money, or valuable security in any dwelling-house, and shall by any menace or threat put any one being therein to bodily fear, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less

than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to Larceny in Ships, Wharves, &c.

LIII. Whosoever shall steal any goods or merchandise in any vessel, barge or boat, of any description whatsoever, in any harbour, anchorage, or roadstead, or in any port of entry or discharge, or in any creek or basin, or other place belonging to or communicating with any such harbour, anchorage, roadstead or port, or shall steal any goods or merchandise from any dock, wharf or quay, adjacent to any such harbour, anchorage, roadstead, port, creek, or basin, or other place, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Stealing from ships, docks, wharves, &c.

LIV. Whosoever shall plunder or steal any part of any ship or vessel, which shall be in distress or wrecked, stranded, or cast on shore, or any goods, merchandise or articles of any kind belonging to or being on board of any such ship or vessel, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Stealing from ship in distress, or wrecked.

LV. If any goods, merchandise, or articles of any kind, belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore, shall be found in the possession of any person, or on the premises of any person with his knowledge, and such person, being taken or summoned before a Justice of the Peace, shall not satisfy the justice that he came lawfully by the same, then the same shall by order of the justice be forthwith delivered over to or for the use of the rightful owner thereof; and the offender shall, on conviction of such offence before the justice, at the discretion of the justice, either be committed to any lawful prison within the colony, there to be imprisoned only or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the goods, merchandise or articles, such sum of money not exceeding twenty pounds, as to the justice shall seem meet; and should the person or persons in whose premises or possession such property be found have been instrumental by himself or servants in saving the same, or any part of the cargo, materials or other articles whatsoever that may have come from the ship or vessel, from whence the property found shall have come, he, she or they and all and every other person or persons so concerned in such embezzlement or fraud, shall forfeit all right to any salvage or remuneration they might otherwise have been entitled to for services rendered or property or money saved.

Persons in possession of shipwrecked goods not giving a satisfactory account.

LVI. If any person shall offer or expose for sale any goods, merchandise, or articles whatsoever, which shall have been unlawfully taken or shall reasonably be suspected so to have been taken from any ship or vessel in distress or wrecked, stranded, or cast on shore, in every such case any person to whom the same shall be offered for sale, or any officer of the revenue or peace officer, may lawfully seize the same, and shall with all convenient speed carry the same or give notice of such seizure to some Justice of the Peace; and if the person who shall have offered or exposed the same for sale, being summoned by such justice, shall not appear and satisfy the justice that he came lawfully by such goods, merchandise or articles, then the same shall, by order of the justice, be

If any person offers shipwrecked goods for sale, the goods may be seized, &c.

forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the justice) to the person who seized the same; and the offender shall, on conviction of such offence by the justice, at the discretion of the justice, either be committed to any lawful prison within the colony, there to be imprisoned only or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the goods, merchandise, or articles, such sum of money not exceeding twenty pounds, as to the justice shall seem meet.

As to Larceny or Embezzlement by Clerks, Servants, or Persons in the Public Service.

Larceny by
clerks or
servants.]

LVII. Whosoever being a clerk or servant, or being employed for the purpose, or in the capacity of a clerk or servant, shall steal any chattel, money, or valuable security belonging to or in the possession or power of his master or employer, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Embezzlement
by clerks or
servants.

LVIII. Whosoever being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, shall fraudulently embezzle any chattel, money, or valuable security which shall be delivered to or received, or taken into possession by him for, or in the name, or on account of his master or employer, or any part thereof, shall be deemed to have feloniously stolen the same from his master or employer, although such chattel, money, or security was not received into the possession of such master or employer, otherwise than by the actual possession of his clerk, servant or other person so employed, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Larceny by
persons in the
Queen's service.

LIX. Whosoever, being employed in the public service of Her Majesty in the colony in any capacity whatsoever, shall steal any chattel, money, or valuable security belonging to or in the possession or power of Her Majesty, or entrusted to, or received, or taken into possession by him by virtue of his employment, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Embezzlement
by persons in
the Queen's
service.

LX. Whosoever, being employed in the public service of Her Majesty in the colony in any capacity whatsoever, and intrusted by virtue of such employment with the receipt, custody, management, or control of any chattel, money, or valuable security, shall embezzle any chattel, money, or valuable security which shall be intrusted to, or received, or taken into possession by him by virtue of his employment, or any part thereof, or in any manner fraudulently apply or dispose of the same, or any part thereof, to his own use or benefit, or for any purpose whatsoever, except for the public service, shall be deemed to have feloniously stolen the same from Her Majesty, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not

less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and in every case of larceny, embezzlement, or fraudulent application or disposition of any chattel, money, or valuable security, in this and the last preceding section mentioned, it shall be lawful, in the warrant of commitment by the Justice of the Peace before whom the offender shall be charged and in the information to be preferred against such offender, to lay the property of any such chattel, money, or valuable security in Her Majesty.

Form of warrant of commitment and information.

LXI. For preventing difficulties in the prosecution of offenders in case of embezzlement, fraudulent application or disposition, hereinbefore mentioned, it shall be lawful to charge in the information and proceed against the offender for any number of distinct acts of embezzlement or of fraudulent application or disposition, not exceeding three, which may have been committed by him against Her Majesty, or against the same master or employer, within the space of six months from the first to the last of such acts; and in every such information where the offence shall relate to any money or any valuable security, it shall be sufficient to allege the embezzlement or fraudulent application or disposition to be of money, without specifying any particular coin or valuable security, and such allegation, so far as regards the description of the property, shall be sustained if the offender shall be proved to have embezzled or fraudulently applied or disposed of any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved; or if he shall be proved to have embezzled or fraudulently applied or disposed of any piece of coin or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to some other person, and such part shall have been returned accordingly.

Distinct act of embezzlement may be charged in the same information.

LXII. If upon the trial of any person prosecuted for embezzlement or fraudulent application or disposition, as aforesaid, it shall be proved that he took the property in question, in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement or fraudulent application or disposition, but is guilty of simple larceny, or of larceny as a clerk, servant, or person employed for the purpose, or in the capacity of a clerk, or servant, or as a person employed in the public service, as the case may be; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an information for such larceny; and if upon the trial of any person prosecuted for larceny it shall be proved that he took the property in question, in any such manner as to amount in law to embezzlement or fraudulent application or disposition, as aforesaid, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of larceny, but is guilty of embezzlement, or fraudulent application, or disposition, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an information for such embezzlement, fraudulent application, or disposition; and no person so tried for embezzlement, fraudulent application, or disposition, or larceny, as aforesaid, shall be liable to be afterwards prosecuted for larceny, fraudulent application, or disposition, or embezzlement, upon the same facts.

Persons prosecuted for embezzlement as a clerk, &c., not to be acquitted if the offence turn out to be larceny, and *vice versa*.

As to Larceny by Tenants or Lodgers.

LXIII. Whosoever shall steal any chattel or fixture, let to be used by him or her, in or with any house or lodging, whether the contract

Tenant or lodger steal any chattel or fixture let to

hire with house
or lodgings.

shall have been entered into by him or her, or by her husband, or by any person on behalf of him or her, or her husband, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and, if a male under the age of sixteen years, with or without whipping; and in case the value of such chattel or fixture shall exceed the sum of five pounds shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and, if a male under the age of sixteen years, with or without whipping; and in every case of stealing any chattel, in this section mentioned, it shall be lawful to prefer an information in the common form, as for larceny, and in every case of stealing any fixture, in this section mentioned, to prefer an information in the same form as if the offender were not a tenant or lodger, and in either case to lay the property in the owner or person letting to hire.

As to Frauds by Agents, Bankers, or Factors.

Agent, banker,
&c., embezzling
money or selling
securities, &c.
intrusted to him,

LXIV. Whosoever, having been intrusted, either solely or jointly with any other person as a banker, merchant, broker, attorney, or other agent, with any money or security for the payment of money, with any direction in writing to apply, pay, or deliver such money or security, or any part thereof respectively, or the proceeds, or any part of the proceeds of such security, for any purpose or to any person specified in such direction, shall in violation of good faith and contrary to the terms of such direction in anywise convert to his own use or benefit, or the use or benefit of any person other than the person by whom he shall have been so intrusted, such money, security, or proceeds, or any part thereof respectively; and whosoever having been intrusted either solely or jointly with any other person as a banker, merchant, broker, attorney, or other agent, with any chattel or valuable security, or of any powers of attorney for the sale or transfer of any share or interest in any public stock or fund, whether of this colony or of the United Kingdom, or any part thereof, or of any foreign state, or in any stock or fund of any body corporate, company, or society, for safe custody or for any special purpose, without any authority to sell, negotiate, transfer, or pledge, shall in violation of good faith and contrary to the object or purpose for which such chattel, security, or power of attorney shall have been intrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit or the use or benefit of any person other than the person by whom he shall have been so intrusted, such chattel or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund, to which such power of attorney shall relate or any part thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; but nothing in this section contained, relating to agents, shall affect any trustee, in or under any instrument whatsoever, or any mortgage of any property, real or personal, in respect of any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage, nor shall restrain any banker, merchant, broker, attorney, or other agent from receiving any money which shall be and become actually due and payable upon or by virtue of any valuable security, according to the tenor and

or goods, &c.,
intrusted to him
for safe custody.

Punishment.

Not to affect
trustees or
mortgagees.

For bankers, &c.,
receiving money
due on securities;

effect thereof, in such manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession upon which he shall have any lien, claim, or demand entitling him by law so to do, unless such sale, transfer, or other disposal shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim, or demand.

or disposing of securities on which they have a lien.

LXV. Whosoever being a banker, merchant, broker, attorney, or agent, and being intrusted, either solely or jointly with any other person, with the property of any other person for safe custody shall, with intent to defraud, sell, negotiate, transfer, pledge, or in any manner convert or appropriate the same, or any part thereof, to or for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award, as hereinbefore last-mentioned.

Bankers, &c., fraudulently selling, &c., property intrusted to their care.

LXVI. Whosoever being intrusted, either solely or jointly with any other person, with any power of attorney for the sale or transfer of any property, shall fraudulently sell or transfer, or otherwise convert the same or any part thereof to his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award, as hereinbefore last-mentioned.

Persons under powers of attorney fraudulently selling property.

LXVII. Whosoever being a factor or agent intrusted, either solely or jointly with any other person, for the purpose of sale or otherwise, with the possession of any goods, or of any document of title to goods, shall, contrary to or without the authority of his principal in that behalf, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, make any consignment, deposit, transfer, or delivery of any goods or documents of title so intrusted to him, as in this section before-mentioned, as and by way of a pledge, lien, or security for any money or valuable security borrowed or received by such factor or agent, at or before the time of making such consignment, deposit, transfer, or delivery, or intended to be thereafter borrowed or received, or shall, contrary to or without such authority, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, accept any advance of any money or valuable security on the faith of any contract or agreement to consign, deposit, transfer, or deliver any such goods or documents of title, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award, as hereinbefore last-mentioned; and every clerk or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer, or delivery, or in accepting or procuring such advance as aforesaid, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the same punishments: Provided that no such factor or agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such goods or documents of title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which, at the time of such consignment, deposit, transfer, or delivery was justly due, and owing to such agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal, and accepted by such factor or agent.

Factors obtaining advances on the property of their principals.

Clerks wilfully assisting.

Cases excepted where the pledge does not exceed the amount of their lien.

LXVIII. Any factor or agent intrusted as aforesaid, and possessed of any such document of title, whether derived immediately from the

Definitions of term intrusted.

"Pledge."

"Possessed."

"Advance."

"Contract or agreement."

"Advance."

Possession to be evidence of intrusting. Trustees fraudulently disposing of property guilty of misdemeanor.

No prosecution shall be commenced without the sanction of some judge or the Attorney-General.

Directors, &c., of any body corporate, or public company, fraudulently appropriating property.

Or keeping fraudulent accounts.

owner of such goods, or obtained by reason of such factor or agent having been intrusted with the possession of the goods, or of any other document or title thereto, shall be deemed to have been intrusted with the possession of the goods represented by such document of title; and every contract pledging or giving a lien upon such document of title as aforesaid shall be deemed to be a pledge of and lien upon the goods to which the same relates; and such factor or agent shall be deemed to be possessed of such goods or document, whether the same shall be in his actual custody, or shall be held by any other person subject to his control, or for him or on his behalf; and where any loan or advance shall be *bonâ fide* made to any factor or agent, intrusted with and in possession of any such goods or document of title, on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such goods or documents of title, and such goods or document of title shall actually be received by the person making such loan or advance, without notice that such factor or agent was not authorised to make such pledge or security, every such loan or advance shall be deemed to be a loan or advance on the security of such goods or document of title within the meaning of the last preceding section, though such goods or document of title shall not actually be received by the person making such loan or advance till the period subsequent thereto; and any contract or agreement, whether made direct with such factor or agent, or with any clerk or other person on his behalf, shall be deemed a contract or agreement with such factor or agent; any payment made, whether by money or bill of exchange, or other negotiable security, shall be deemed to be an advance within the meaning of the last preceding section: and a factor or agent, in possession as aforesaid of such goods or document, shall be taken, for the purposes of the last preceding section, to have been intrusted therewith by the owner thereof, unless the contrary be shown in evidence.

LXIX. Whosoever being a trustee of any property for the use or benefit, either wholly or partially, of some other person, or for any public or charitable purpose, shall, with intent to defraud, convert, or appropriate the same or any part thereof to or for his own use or benefit, or the use or benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable purpose as aforesaid, or otherwise dispose of or destroy such property, or any part thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award, as hereinbefore last-mentioned: Provided, that no proceeding or prosecution for any offence included in this section shall be commenced without the sanction of the Attorney-General: Provided also, that where any civil proceeding shall have been taken against any person to whom the provisions of this section may apply, no person who shall have taken such civil proceeding shall commence any prosecution under this section, without the sanction of the Court or judge before whom such civil proceeding shall have been had or shall be pending.

LXX. Whosoever being a director, member or public officer of any body corporate or public company, shall fraudulently take or apply for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the property of such body corporate or public company, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last-mentioned.

LXXI. Whosoever being a director, public officer or manager of any body corporate or public company, shall as such receive or possess himself of any of the property of such body corporate or public com-

pany, otherwise than in payment of a just debt or demand, and shall, with intent to defraud, omit to make, or to cause or direct to be made, a full and true entry thereof in the books and accounts of such body corporate or public company, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last-mentioned

LXXII. Whosoever being a director, manager, public officer, or member of any body corporate or public company shall, with intent to defraud, destroy, alter, imitate or falsify any book, paper, writing or valuable security, belonging to the body corporate or public company, or make or concur in the making of any false entry, or omit or concur in omitting any material particular, in any book of account or other document shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last-mentioned.

Or wilfully
destroying
books, &c.

LXXIII. Whosoever being a director, manager, or public officer of any body corporate or public company, shall make, circulate, or publish, or concur in making, circulating, or publishing any written statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last-mentioned.

Or publishing
fraudulent
statements.

LXXIV. Nothing in any of the last ten preceding sections of this Act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any Court, or upon the hearing of any matter in bankruptcy or insolvency; and no person shall be liable to be convicted of any of the misdemeanors in any of the said sections mentioned by any evidence whatever, in respect of any act done by him, if he shall at any time previously to his being charged with such offence have first disclosed such act on oath, in consequence of any compulsory process of any Court of Law or Equity, in any action, suit or proceeding, which shall have been *bonâ fide* instituted by any party aggrieved, or if he shall have first disclosed the same in any compulsory examination or deposition before any Court, upon the hearing of any matter in bankruptcy or insolvency.

No person to be
exempt from
answering
questions in any
court, but no
person making a
disclosure in any
compulsory
proceeding to be
liable to prose-
cution.

LXXV. Nothing in any of the last eleven preceding sections of this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereon against any person under any of the said sections, shall prevent, lessen, or impeach any remedy at law or in equity, any party aggrieved by any offence against any of the said sections might have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and nothing in the said sections contained shall affect or prejudice any agreement entered into or security given by any trustee, having for its object the restoration or repayment of any trust property misappropriated.

No remedy at
law or in equity
shall be affected.

Convictions shall
not be received
in evidence in
civil suits.

As to obtaining Money by False Pretences.

LXXVI. Whosoever shall by any false pretence obtain from any other person any chattel, money or valuable security, with intent to defraud, shall be guilty of a misdemeanor, and being convicted thereof

False pretences.

No acquittal
because the
offence amounts
to larceny.

Form of informa-
tion and
evidence.

Where any
money or thing
is caused to be
paid or delivered
to any person
other than the
person making a
false pretence.

Inducing persons
by fraud to
execute deeds
and other instru-
ments.

Receiving where
the principal is
guilty of felony.

Information for
stealing and
receiving.

shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement: Provided that if upon the trial of any person prosecuted for such misdemeanor it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny he shall not by reason thereof be entitled to be acquitted of such misdemeanor, and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts: Provided also, that it shall be sufficient in any information for obtaining or attempting to obtain any such property by false pretences, to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person, and without alleging any ownership of the chattel, money or valuable security; and on the trial of any such information, it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

LXXVII. Whosoever shall, by any false pretence, cause, or procure any money to be paid, or any chattel, or valuable security, to be delivered to any other person, for the use or benefit, or on account of the person making such false pretence, or of any other person, with intent to defraud, shall be deemed to have obtained such money, chattel, or valuable security, within the meaning of the last preceding section.

LXXVIII. Whosoever, with intent to defraud, or injure any other person, shall, by any false pretence, fraudulently cause, or induce any other person to execute, make, accept, endorse, or destroy the whole or any part of any valuable security, or to write, impress, or affix his name, or the name of any other person, or of any company, firm, or copartnership, or the seal of any body corporate, company, or society, upon any paper or parchment, in order that the same may be afterwards made or converted into, or used, or dealt, as a valuable security, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to receiving Stolen Goods.

LXXIX. Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, extorting, obtaining, embezzling, or otherwise disposing whereof, shall amount to a felony, either at common law or by virtue of this Act, knowing the same to have been feloniously stolen, taken, extorted, obtained, embezzled, or disposed of, shall be guilty of felony, and may be prosecuted and convicted, either as an accessory after the fact, or for a substantive felony; and in the latter case, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping: Provided, that no person, howsoever tried for receiving, as aforesaid, shall be liable to be prosecuted a second time for the same offence.

LXXX. In any information containing a charge of feloniously stealing any property, it shall be lawful to add a count, or several counts, for feloniously receiving the same, or any part or parts thereof, knowing

the same to have been stolen, and in any information for feloniously receiving any property, knowing it to have been stolen, it shall be lawful to add a count for feloniously stealing the same; and where any such information shall have been preferred, the prosecutor shall not be put to his election, but it shall be lawful for the jury who shall try the same to find a verdict of guilty, either of stealing the property or of receiving the same, or any part or parts thereof, knowing the same to have been stolen; and if such information shall have been preferred against two or more persons, it shall be lawful for the jury who shall try the same to find all or any of the said persons guilty either of stealing the property or of receiving the same, or any part or parts thereof, knowing the same to have been stolen, or to find one or more of the said persons guilty of stealing the property, and the other or others of them guilty of receiving the same, or any part or parts thereof, knowing the same to have been stolen.

LXXXI. Whenever any property whatsoever shall have been stolen, taken, extorted, obtained, embezzled or otherwise disposed of, in such manner as to amount to a felony, either at common law or by virtue of this Act, any number of receivers, at different times, of such property, or of any part or parts thereof, may be charged with substantive felonies in the same information, and may be tried together, notwithstanding that the principal felon shall not be included in the same information, or shall not be in custody, or amenable to justice.

Separate receivers may be included in the same information in the absence of the principal.

LXXXII. If upon the trial of any two or more persons prosecuted for jointly receiving any property it shall be proved that one or more of such persons separately received any part or parts of such property, it shall be lawful for the jury to convict upon such information such of the said persons as shall be proved to have received any part or parts of such property.

On an information for jointly receiving persons may be convicted of separately receiving.

LXXXIII. Whosoever shall receive any chattel, money, valuable security or other property whatsoever, the stealing, taking, obtaining, converting or disposing whereof is made a misdemeanor by this Act, knowing the same to have been unlawfully stolen, taken, obtained, converted or disposed of, shall be guilty of a misdemeanor, and may be prosecuted and convicted thereof, whether the person guilty of the principal misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to justice; and every such receiver being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Receiving where the principal has been guilty of a misdemeanor.

LXXXIV. Where the stealing or taking of any property whatsoever is by this Act punishable on summary conviction, either for every offence, or for the first and second offence only, or for the first offence only, any person who shall receive any such property, knowing the same to be unlawfully come by, shall on conviction thereof before a Justice of the Peace, be liable for every first, second, or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence of stealing, or taking such property, is by this Act made liable.

Receivers of property where the original offence is punishable on summary conviction.

LXXXV. In case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony, punishable under this Act (except only a receiver of stolen property), shall on conviction be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard

Principals in the second degree, and accessories.

labour, and with or without solitary confinement; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under this Act shall be liable to be prosecuted and punished as a principal offender.

Abettors in misdemeanors.

LXXXVI. Whosoever shall aid, abet, counsel, or procure the commission of any offence, which is by this Act punishable on summary conviction, either for every time of the commission or for the first and second time only, or for the first time only, shall on conviction before a Justice of the Peace be liable for every first, second, or subsequent offence of aiding, abetting, counselling or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence, as a principal offender, is by this Act made liable.

Abettors in offences punishable on summary conviction.

As to Restitution and Recovery of Stolen Property.

The owner of stolen property prosecuting thief or receiver to conviction shall have restitution of his property.

LXXXVII. If any person guilty of any such felony or misdemeanor, as is mentioned in this Act, in stealing, taking, obtaining, extorting, embezzling, converting, or disposing of, or in knowingly receiving any chattel, money, valuable security, or other property whatsoever, shall be prosecuted for such offence, by or on the behalf of the owner of the property, or his executor, or administrator, and convicted thereof; in such case the property shall be restored to the owner, or his representative; and in every case in this section aforesaid the Court before whom any person shall be tried for any such felony or misdemeanor shall have power to award, from time to time, writs of restitution for the said property, or to order the restitution thereof in a summary manner: Provided that if it shall appear before any award or order made that any valuable security shall have been *bonâ fide* paid or discharged by some person or body corporate, liable to the payment thereof, or, being a negotiable instrument, shall have been *bonâ fide* taken or received by transfer or delivery, by some person or body corporate, for a just and valuable consideration, without any notice or without any reasonable cause to suspect that the same had by any felony or misdemeanor been stolen, taken, obtained, extorted, embezzled, converted or disposed of; in such case the Court shall not award or order the restitution of such security: Provided also, that nothing in this section contained shall apply to the case of any prosecution of any trustee, banker, merchant, attorney, factor, broker, or other agent, intrusted with the possession of goods or documents of title to goods, for any misdemeanor against this Act.

Provision as to valuable and negotiable securities.

Not to apply to prosecutions of trustees, bankers, &c.

Taking a reward for helping to the recovery of stolen property without bringing the offender to trial.

LXXXVIII. Whosoever shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of helping any person to any chattel, money, valuable security, or other property whatsoever, which shall by any felony or misdemeanor have been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, as in this Act before mentioned, shall (unless he shall have used all due diligence to cause the offender to be brought to trial for the same), be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of eighteen years, with or without whipping.

Advertising a reward for the return of stolen property, &c.

LXXXIX. Whosoever shall publicly advertise a reward for the return of any property whatsoever which shall have been stolen or lost, and shall in such advertisement use any words purporting that no questions will be asked, or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any property which shall have been stolen or lost, without seizing or

making any inquiry after the person producing such property, or shall promise or offer, in any such public advertisement, to return to any pawnbroker or other person, who may have bought or advanced money by way of loan upon any property stolen or lost, the money so paid or advanced or any other sum of money or reward for the return of such property, or shall print or publish any such advertisement, shall forfeit the sum of fifty pounds for every such offence, to any person who will sue for the same by action of debt, to be recovered with full costs of suit.

As to Apprehension of Offenders and other Proceedings.

XC. Any person found committing any offence punishable either upon information or upon summary conviction, by virtue of this Act, may be immediately apprehended without a warrant by any person and forthwith taken, together with the property, if any, before some neighbouring Justice of the Peace, to be dealt with according to law; and if any credible witness shall prove upon oath before a Justice of the Peace a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever, on or with respect to which any offence punishable either upon information or upon summary conviction by virtue of this Act shall have been committed, the justice may grant a warrant to search for such property, as in the case of stolen goods; and any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorised, and if in his power is required to apprehend, and forthwith to take before a Justice of the Peace the party offering the same, together with such property, to be dealt with according to law.

A person in the act of committing any offence may be apprehended without a warrant.

A justice may grant a search warrant upon certain grounds. Any person who offers stolen property to another may be apprehended.

XCII. Any constable or peace officer may take into custody, without warrant, any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed, or being about to commit, any felony against this Act, and shall take such person, as soon as reasonably may be, before a Justice of the Peace, to be dealt with according to law.

A person loitering at night and suspected of any felony against this Act may be apprehended.

XCIII., XCIV. and XCV. Repealed by "The Magistrates Act, 1896."

XCVI. In case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid, together with costs, under such conviction, or shall have received a remission thereof from the Crown or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment adjudged in the first instance, or shall have been so discharged from his conviction by any justice as aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

A summary conviction shall be a bar to any other proceeding for the same cause.

As to other Matters.

XCVII. In every case of larceny where the articles alleged to have been stolen, shall have formed part of the cargo, or materials of any vessel wrecked or stranded within the limits of the Bahama islands, or of any vessel not belonging to the colony, but which shall be then in any port, roadstead, or anchorage within the same, or shall be the property or alleged property of any person serving in, or who shall have arrived within the colony in any such vessel, it shall be lawful for any police or other salaried magistrate, if the Superior Court of Criminal Justice is not then in session, upon being satisfied that there are reasonable grounds for believing that the owner or alleged owner of the property

Summary power of adjudication vested in police magistrate in certain cases.

charged to have been stolen will depart from the colony, before the charge can be brought to trial in such Superior Criminal Court, to hear and determine such charge in a summary way; and if the accused shall confess the same, or if, after hearing the case for the prosecution, and for the defence, the police or other salaried magistrate shall find the charge to be proved, then it shall be lawful for such police or other magistrate to convict the accused and to sentence him to imprisonment, with or without hard labour, for any term not exceeding six months.

Summary power of adjudication vested in salaried and general justices in certain cases.

XCVIII. Where any person is charged with simple larceny, and the value of the articles alleged to have been stolen shall not exceed forty shillings, it shall be lawful for any police magistrate, or other salaried justice, or any other two Justices of the Peace, to hear and determine such charge, in a summary way; and if the accused shall confess the same, or if, after hearing the case for the prosecution and for the defence, such magistrate or justice shall find the charge to be proved, then it shall be lawful for such police magistrate or salaried justice, or other justices, as the case may be, to convict the accused and sentence him to imprisonment, with or without hard labour, for any term not exceeding six months.

XCIX. Repealed by "The Magistrates Act, 1896."

C. Repealed by 40 Vic. c. 19.

CI. This section which provided for the punishment of offences committed within the jurisdiction of the Admiralty of England is repealed by 29 Vic. c. 2.

CII. Repealed by "The Magistrates Act, 1896."

Mode of proceeding in cases of summary trials regulated.

CIII. Every offence, hereby made punishable on summary conviction, may be prosecuted in the manner directed by the Act of Assembly of the twelfth year of Her Majesty's reign, chapter ten: and in every such case the party accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

Venue in proceedings against persons acting under this Act.

Notice of action.

General issue, &c., may be pleaded.

CIV. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within six months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by, and on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue any such action, after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs, as between attorney and client, and have the like remedy for the same, as any defendant has by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge, before whom the trial shall be, shall certify his approbation of the action.

No. 13.

38 Vic. c. 2. *An Act to amend the Act 28 Victoria, chapter 37, entitled "An Act to amend the Statute Law of the Bahama Islands relative to Larceny and other offences connected therewith."* (Assented to 17th March, 1875.)

I. Whosoever shall steal, or shall destroy or damage with intent to steal, any fruit or vegetable, or other predial production, or any cultivated root or plant used or capable of being used for the food of man or beast, or for medicine, distilling or dyeing, or in the course of any manufacture, whatever the value of the article stolen may be, and whether the land on which the same is at the time growing or in the course of cultivation shall be open or enclosed, shall be guilty of felony, and shall on conviction before any Justice of the Peace be liable to be imprisoned in any lawful prison of the colony and kept to hard labour within or without the walls of the prison for any term not less than three months and not exceeding twelve months. And if any person having been convicted as aforesaid shall afterwards be charged before any Justice of the Peace with any subsequent offence under this Act, it shall be the duty of such last-mentioned justice to deal with such charge in the same and the like manner as charges for felonies triable in the General Court are dealt with, and every person committed or otherwise sent for trial in the General Court on any such charge as aforesaid shall be proceeded against in the same and the like manner as if he was charged with a felony at common law, and shall on conviction be liable to be punished as is provided for in cases of simple larceny by the fourth section of the Act to which this Act is an amendment.

Stealing of fruit or vegetables, &c., or plants used for medicine or any manufacture from open or enclosed land—a felony.

First and second offences, how dealt with.

II. Whosoever shall steal, or shall destroy or damage with intent to steal, any ornamental tree, shrub, plant, or root, or any part thereof not being a tree, shrub, plant, or root within the meaning of the first section of this Act, shall on conviction thereof before a Justice of the Peace, at the discretion of the justice, either be committed to any lawful prison within the colony, there to be imprisoned only or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay over and above the value of the article or articles so stolen or the amount of the injury done such sum of money not exceeding twenty pounds as to the justice shall seem fit; and whosoever having been convicted of any such offence either against this or any former Act shall afterwards commit any of the offences in this section mentioned shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.

Stealing, destroying or damaging any ornamental tree, shrub, or plant may be punished by fine or imprisonment.

Second conviction—felony.

III., IV., V. and VI. Repealed by "The Magistrates Act, 1896."

VII. This Act may for all purposes be cited as "The Larceny Amendment Act, 1875," and shall be construed with and as forming part of the Act to which it purports to be an amendment.

Title of Act.

No. 14.

39 Vic. c. 3. *An Act to amend the Law relating to Larceny and Embezzlement.* (Assented to 9th February, 1876.)

I. If any person being a member of any copartnership, or being one of two or more beneficial owners of any money, goods, or effects, bills, notes, securities, or other property, shall steal or embezzle any such

Stealing or embezzling by a member of a copartnership punishable.

money, goods, or effects, bills, notes, securities, or other property of or belonging to any such copartnership, or to such joint beneficial owners, every such person shall be liable to be dealt with, tried, convicted, and punished for the same as if such person had not been or was not a member of such copartnership or one of such beneficial owners.

No. 15.

39 Vic. c. 5. *An Act to amend the Law with reference to the Falsification of Accounts.* (Assented to 9th February, 1876.)

Punishment for
the falsification
of accounts.

I. That if any clerk, officer, or servant, or any person employed or acting in the capacity of a clerk, officer, or servant, shall wilfully and with intent to defraud, destroy, alter, mutilate, or falsify any book, paper, writing, valuable security, or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or shall wilfully, and with intent to defraud, make or concur in making any false entry in, or omit, or alter, or concur in omitting, or altering any material particular form, or in any such book, or any document or account, then and in every such case the person so offending shall be guilty of a misdemeanor, and be liable to be kept in penal servitude for a term not exceeding seven years, or to be imprisoned, with or without hard labour, for any term not exceeding two years.

Intent to defraud
how alleged in
information.

II. It shall be sufficient in any information under this Act to allege a general intent to defraud without naming any particular person intended to be defrauded.

Read with
28 Vic. c. 37.

III. This Act shall read as one with the Act of the 28th year of Her Majesty's reign, chapter 37.

Title.

IV. This Act may be cited as "The Falsification of Accounts Act, 1876."

No. 16.

40 Vic. c. 19. *An Act to provide for the protection of Her Majesty's Stores.* (Assented to 5th May, 1877.)

Name.

I. This Act may be cited as "The Public Stores Act, 1877."

Definition of
stores and Public
Department.

II. In this Act the word "stores" shall include all goods and chattels, and any single store or article under the care, superintendence, or control of a Secretary of State, or the Admiralty, or any Public Department, or Office, or of any person in the service of Her Majesty, and such stores are in this Act referred to as Her Majesty's stores, the Secretary of State, Admiralty, Public Department, Office, or person having the care, superintendence, or control of such stores are hereinafter in this Act included in the expression "Public Department."

Misdemeanor
to apply to
marks.

III. If any person, without lawful authority, proof of which authority shall lie on the party accused, applies in or on any such stores, any of the marks described in the said Imperial Public Stores Act, 1875, and designated in the schedule to this Act annexed, he shall be guilty of a misdemeanor, and shall, on conviction thereof, be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Felony to
obliterate marks.

IV. If any person with intent to conceal Her Majesty's property in any stores, takes out, destroys, or obliterates, wholly or in part, any such

mark as aforesaid, or any mark whatsoever denoting the property of Her Majesty in any stores, he shall be guilty of felony, and shall on conviction thereof be liable, in the discretion of the Court before which he is convicted, to be kept in penal servitude for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

V. Any member of the Police Force may stop, search, and detain any vessel, boat, or vehicle in or on which there is reason to suspect that any of Her Majesty's stores stolen or unlawfully obtained may be found, or any person reasonably suspected of having or conveying in any manner any of Her Majesty's stores stolen or unlawfully obtained.

Authority of
Police to search.

VI. If any person is brought before a Justice of the Peace charged with conveying, or with having in his possession or keeping any of Her Majesty's stores reasonably suspected of being stolen or unlawfully obtained, and does not give an account to the satisfaction of the Court how he came by the same, he shall be deemed guilty of a misdemeanor, and shall be liable on summary conviction to a penalty not exceeding Five Pounds, or, in the discretion of the Court, to be imprisoned for any term not exceeding two months, with or without hard labour.

Misdemeanor
not satisfactory
to account for
stores in pos-
session.

VII. If stores are found in the possession or keeping of a person being in Her Majesty's service or in the service of a Public Department, or being a dealer in marine stores, or in old metals (within the meaning of any enactments for the time being in force relating to such dealers), and he is taken or summoned before a Justice of the Peace, and the Court sees reasonable grounds for believing the stores found to be or to have been Her Majesty's property, then if such person does not satisfy the Court that he came lawfully by the stores so found, he shall be liable, on summary conviction, to a penalty not exceeding Five Pounds.

Penalty on
summary con-
viction for
having stores in
possession.

VIII. For the purposes of this Act stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit, or for the use or benefit of another.

Defines the
meaning of
possession.

IX. The following sections of the Act of the 28th year of Her Majesty's reign, cap. 37, to amend the Statute Law of the Bahama Islands relative to larceny and other offences connected therewith, are hereby incorporated herewith, and shall, for the purposes of this Act, be read as if they were here re-enacted, namely, sections 85, 86, 87, 90, 94, 95, 96, 99, 102, 103 and 104, and for this purpose the expression "this Act," when used in those sections, shall be taken to include the present Act, and section 100 of the said Act shall be and the same is hereby repealed.

Incorporates
parts of
another Act.

X. Nothing in this Act shall prevent any person from being indicted under this Act or otherwise for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no persons be punished twice for the same offence.

Indictment.

XI. The Act passed in the Thirty-first year of the Reign of Her present Majesty, chap. 3, entitled "An Act to extend to and declare in force within the Bahama Islands the provisions of a Statute of the Imperial Parliament passed in the 27th and 28th years of Her Majesty's reign, entitled 'An Act for the more effectual protection of Her Majesty's Naval and Victualling Stores,'" shall be and the same is hereby repealed.

Repeal.

SCHEDULE.

Stores.	Marks.
Hempen cordage and wire rope	White, black, or coloured worsted or jute threads laid up with the yarns and the wire respectively.
Canvas, fearnought, hammock, and sea-men's bags.	A blue line in a serpentine form.
Bunting	A double tape in the warp.
Candles	Blue or red cotton threads in each wick or wicks of red cotton.
Timber or metal	The name of Her Majesty, her predecessors, her heirs or successors, or of any public department, or any branch thereof, or the broad arrow, or a crown, or Her Majesty's arms, whether such broad arrow, crown, or arms be alone or be in combination with any such name as aforesaid, or with any letters denoting any such name.
Any stores not before enumerated, whether similar to the above or not.	

No. 17.

Amends Act by insertion of words "or jute."

41 Vic. c. 4. *An Act to amend "The Public Stores Act, 1877."* (Assented to 14th March, 1878.)

I. The Schedule to "The Public Stores Act, 1877," shall read as if after the word "worsted," in the first line thereof, the words "or jute" had been inserted; and in all future reprints of the said Act the said words shall be printed therein as if the same had originally formed part of the said Act.

No. 18.

Title.

61 and 62 Vic. c. 26. *An Act to amend "The Larceny Amendment Act, 1875."* (Assented to 10th August, 1898.)

Meaning of words "principal Act," Interpretation clause.

I. This Act may be cited for all purposes as "The Larceny Amendment Act, 1898."

II. Where the words "principal Act" are used in this Act they shall be held to mean and refer to "The Larceny Amendment Act, 1875."

III. The following expressions shall have the meanings hereby respectively assigned to them:

"Court" means the Supreme Court, the Chief Justice and a Magistrate, as defined by the 3rd section of "The Magistrates Act, 1896."

"Adult" and "young person" respectively mean an adult and young person, as defined by the 3rd section of "The Magistrates Act, 1896."

Whipping may be ordered by Court.

IV. Where an adult or young person being a male is convicted of a second offence under the first section of the principal Act, it shall be lawful for the Court before whom he is convicted, in addition to or instead of any punishment which may be inflicted under the authority of such section, to order that such adult or young person be privately whipped, specifying in such order the number of strokes, not exceeding

twenty-four to be inflicted, the instrument to be used and the person or persons by and before whom such whipping shall be inflicted. Provided that such whipping may be ordered to be inflicted either at one time or by instalments. And that in the case of any adult being sentenced to be whipped, such prisoner shall be sent to the Prison in the Island of New Providence for the purpose of receiving such whipping.*

V. This Act shall be deemed to be incorporated with "The Larceny Amendment Act, 1875," and shall be construed as if the said Act, except such parts as are repealed, and this Act were one Act.

VI. This Act shall come into operation on the first day of September next.

Proviso.

Act deemed to be incorporated with "Larceny Amendment Act, 1875."

Commencement.

No. 19.

62 Vic. c. 15. *An Act to amend "The Larceny Amendment Act, 1898."* (Assented to 20th April, 1899.)

I. In reading hereafter the fourth section of the Act of Assembly 61 and 62 Victoria, chapter 26, the figures "24" in line eight shall be omitted, and the figures "12" inserted and read in lieu thereof.

Amends "The Larceny Amendment Act, 1898."

CLASS V.

COUNTERFEIT COIN, PERJURY, FALSE DECLARATIONS, &c.

No. 1.

15 Vic. c. 3. *For further improving the Administration of Justice.* (1852.)

XXX. If any person shall tender, utter, or put off any false or counterfeit coin, or piece of metal, resembling or apparently intended to resemble or pass for any of the Queen's current gold, silver, or copper coin, or for any gold, silver, or copper coin, of any foreign prince, state, or country, knowing the same to be false or counterfeit, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned, with or without hard labour, for any term not exceeding one year.

Penalty on persons knowingly attempting to pass false or counterfeit coin.

XXXIV. If any person liable to be apprehended under the provisions of this or any other Act shall assault or offer any violence to any person by law authorised to apprehend or detain him, or to any person acting in his aid and assistance, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years.

Protection to persons authorised to apprehend offenders.

No. 2.

29 Vic. c. 4. *An Act to amend the Laws relating to Perjury and False Declarations.* (Assented to 27th March, 1876.)

I. Whosoever shall be convicted of perjury, or subornation of perjury or of any offence punishable as perjury, shall be liable, at the

Punishment for perjury, &c.

* Reduced to 12 strokes by 62 Vic. c. 15, *post*, No. 19 of this Class.

discretion of the Court, to be kept in penal servitude for any period not exceeding seven years, or to be imprisoned for any term not exceeding four years, with or without hard labour, and with or without solitary confinement.

Punishment for false declarations.

II. Whosoever, in any declaration made in pursuance of or under the authority of any Act of the General Assembly of the Bahama Islands, shall wilfully or corruptly declare to the truth of any matter material to be stated in such declaration, knowing the matter so declared to be false, shall be liable, on conviction, to be punished in the same and the like manner as if he had been convicted of perjury.

A judge or Justice of the Peace on reasonable cause may direct a prosecution for perjury.

III. It shall be lawful for the judges, or any judge of the General Court, or for the judge of the Court of Vice-Admiralty, or for the justices of the Court of Admiralty Sessions, or for any of Her Majesty's justices, or commissioners of Oyer and Terminer, or gaol delivery or for any commissioner of bankruptcy or insolvency, or for the Judge of the Court of Common Pleas of New Providence, or for any Justice or Justices of the Peace sitting for the hearing, trial, and determination of offences punishable on summary conviction, or for the hearing, trial, and determination of any case or cases of debt, trespass, or other case in which Justices of the Peace have the power to adjudicate under the authority of any Act of Parliament or Assembly, in case it shall appear to him or them that any person has been guilty of wilful and corrupt perjury, in any evidence given, or in any affidavit, deposition, examination, answer, or other proceeding made or taken before him or them, to direct such person to be prosecuted for such perjury, in case there shall appear to him or them a reasonable cause for such prosecution, and to commit such person so directed to be prosecuted until the next Session of Oyer and Terminer or gaol delivery, unless such person shall enter into a recognizance with one or more sufficient surety or sureties conditioned for the appearance of such person at such next Session of Oyer and Terminer or gaol delivery, and that he will then surrender and take his trial, and not depart the Court without leave; and to require any person he or they may think fit to enter into a recognizance conditioned to prosecute, or give evidence against such person so directed to be prosecuted as aforesaid, and to give to the party so bound to prosecute a certificate of the same being directed, which certificate shall be given without any fee or charge, and shall be deemed sufficient proof of such prosecution having been directed as aforesaid: Provided always, that no such direction or certificate shall be given in evidence upon any trial to be had against any person upon a prosecution so directed as aforesaid.

Recognizance may be taken.

Proviso.

On information for perjury the substance of the offence charged upon the defendant will be sufficient to set forth.

IV. In every information for perjury, or for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously or corruptly taking, making, signing, or subscribing any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what Court, and before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing was taken, made, signed or subscribed, without setting forth the bill, answer, information, declaration or any part of any proceeding either in law or in equity, and without setting forth the commission or authority of the Court or person before whom such offence was committed.

On information for subornation of perjury, &c., &c., it will be sufficient to set forth the substance of the offence charged.

V. In every information for subornation of perjury, or for corrupt bargaining, or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously or corruptly to take, make, sign or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing, it shall be

sufficient, wherever such perjury or other offence aforesaid shall have been actually committed, to allege the offence of the person who actually committed such perjury or other offence in the manner hereinbefore mentioned, and then to allege that the defendant unlawfully, wilfully, and corruptly did cause and procure the said person, the said offence in manner and form aforesaid, to do and commit: And wherever such perjury or other offence aforesaid shall not have been actually committed, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

VI. Any person convicted under this Act shall, in addition to any sentence which the Court may pass on him, be liable to pay the actual and necessary costs of the prosecution, including witnesses' expenses, and the Court may adjudge the offender to be imprisoned for a further term beyond the term of imprisonment imposed by his sentence, not exceeding, however, the term of three months, until such costs are paid.

Liability of a person convicted under this Act.

VII. The provisions of the 58, 59, 61, 62, 63 and 67 sections of the 28 Vic. c. 3, shall extend and apply to persons convicted under this Act.

Parts of 28 Vic. c. 3, extended to this Act.

VIII. Repeals so much of the Act 40 Geo. 3, c. 2, as declares in force in the colony the statute 2 Geo. 2, c. 25. Also

Certain parts of Acts repealed from the commencement of this Act.

The 18, 19 and 20 sections 15 Vic. c. 3, and the third section 15 Vic. c. 8, and so much of the first section of the same Act as declares that if any declaration made under the said Act shall be false or untrue in any material particular, the person wilfully making such false declaration shall be guilty of a misdemeanor.

CLASS VI.

ACCESSORIES.

No. 1.

28 Vic. c. 2. *An Act to consolidate and amend the Statute Law of the Bahama Islands relative to Accessories to and Abettors of Offences cognizable in the Superior Criminal Courts of Common Law of the Colony.* (Assented to 24th February, 1865.)

As to Accessories before the Fact.

I. Whosoever shall become an accessory before the fact to any felony, whether the same be a felony at common law, or by virtue of any Act passed or to be passed, may be prosecuted, tried, convicted, and punished, in all respects as if he were a principal felon.

Accessories before the fact may be tried and punished as principals.

II. Whosoever shall counsel, procure, or command any other person to commit any felony, whether the same be a felony at common law, or by virtue of any Act passed or to be passed, shall be guilty of felony, and may be prosecuted and convicted, either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon; or may be prosecuted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished.

Accessories before the fact may be prosecuted as such, or as substantive felons.

As to Accessories after the Fact.

Accessories after the fact may be prosecuted as such or as substantive felons.

III. Whosoever shall become an accessory after the fact to any felony, whether the same be a felony at common law, or by virtue of any Act passed or to be passed, may be prosecuted and convicted either as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be prosecuted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory may be punished.

Punishment of accessories after the fact.

IV. Every accessory after the fact to any felony (except where it is otherwise specially enacted), whether the same be a felony at common law, or by virtue of any Act passed or to be passed, shall be liable, at the discretion of the Court, to be imprisoned, in any lawful prison of the colony, for any term not exceeding two years, with or without hard labour; and it shall be lawful for the Court, if it shall think fit, to require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to such punishment: Provided that no person shall be imprisoned under this clause for not finding sureties, for any period exceeding one year.

As to Accessories generally.

Prosecution of accessory after principal has been convicted, but not attained.

V. If any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attained thereof, notwithstanding such principal felon shall die or be pardoned, or otherwise delivered before attainder; and every such accessory shall, upon conviction, suffer the same punishment as he would have suffered if the principal had been attained.

Several accessories may be included in the same information, although principal felon not included.

VI. Any number of accessories at different times to any felony, and any number of receivers at different times, of property stolen at one time, may be charged with substantive felonies in the same information, and may be tried together, notwithstanding the principal felon shall not be included in the same information, or shall not be in custody or amenable to justice.

As to Abettors in Misdemeanors.

Abettors in misdemeanors.

VII. Whosoever shall aid, abet, counsel, or procure the commission of any misdemeanor, whether the same be a misdemeanor at common law, or by virtue of any Act passed or to be passed, shall be liable to be tried, prosecuted, and punished as a principal offender.

CLASS VII.

DEPARTMENT OF PROVOST MARSHAL.

No. 1.

- 40 Geo. 3, c. 2. *An Act to declare how much of the Laws of England are practicable within the Bahama Islands, and ought to be in force within the same.* (A.D. 1799.)

VIII. By this section it is amongst other things enacted "That the Provost Marshal of these islands and his lawful deputies, have, and of right ought to have, power and authority to execute so much as well of the aforesaid statutes as of the common law (except as hereinbefore excepted) as may lawfully be executed by the sheriff or under sheriffs of any county in England."

The following statutes relating to the office of sheriff are especially extended to the colony by the said Act :

17 Rich. 2, c. 8.

13 Henry 4, c. 7.

No. 2.

- 43 Geo. 3, c. 3. *An Act for altering and amending an Act, entitled "An Act for the better regulation of the Office of Provost Marshal; for appointing Constables, and for other purposes therein mentioned."* (29th December, 1802.)

WHEREAS it is necessary and expedient that the office of the PREAMBLE.

Provost Marshal should be duly regulated by law; AND WHEREAS an Act passed in the thirty-sixth year of His Majesty's reign, entitled "An Act for the better regulation of the office of Provost Marshal, for appointing constables, and for other purposes therein mentioned," has been found deficient; May it, &c., That it shall not be lawful for the Provost Marshal of these Islands for the time being, either by himself or by deputy, to enter upon or exercise the aforesaid office until he shall have given bond to the King, with two sufficient sureties, to be approved of by a Justice of the General Court, in the sum of one thousand pounds,* with the following condition, to wit: "The condition of the above obligation is such, that if the above bounden A. B. do well and truly from time to time pay unto the plaintiffs or their attorneys in such suits all such sums of money as shall come into his hands by virtue of his office, and also do well and truly from time to time pay into the hands of the persons properly authorised to receive the same, all sums of money which may come into his hands, for the use of His Majesty, his heirs and successors, or of any person or persons whatsoever, by virtue of his office as aforesaid, then this obligation to be void, or else to be in full force and virtue."

Provost Marshal
or deputy to give
bond.

Condition.

II. † *That the said bond or obligation shall be entered into before the Secretary of these islands or his deputy and be filed in his office, there to remain as a security for the purposes aforesaid; and if it should happen that the Provost Marshal, or, in his absence from these islands, the deputy or acting Provost Marshal, shall not well and*

Bond to be filed
in the secretary's
office.

* Currency.

† The words in italics are repealed by 59 Vic. c. 22.

truly pay such sums of money as may come into his hands as aforesaid to the person or persons to whom the same should or ought to be paid, then it shall and may be lawful for the person or persons injured thereby to commence an action against the Provost Marshal, or, in his absence from these islands, the deputy or acting Provost Marshal, for so much money had and received to his or their use; and after execution shall be issued thereupon, if the return made to the writ of *fieri facias* shall be that the defendant has not goods or chattels, lands or tenements, on which the money adjudged to the plaintiff in such suit can be levied, the sureties in the aforesaid bond shall be considered as special bail to the action, and it shall and may be lawful to proceed against them, in manner and form as is practised in the General Court of these islands, against special bail in civil actions; and in case the Provost Marshal shall not be found so as to be served with process in any suit, to be commenced against him by any person or persons, as aforesaid, a copy of such process, with the usual notice thereon, being left at his last usual place of abode, in the island of New Providence, shall be deemed good service, and proceedings may be had thereon in the same manner as if the said Provost Marshal had been personally served with a copy of the said process, any law or usage to the contrary notwithstanding.

III. Repealed by 23 Vic. c. 5.

IV. Repealed by 35 Vic. c. 5.

V. That one room in the said gaol shall be appropriated to the use of the Marshal of the Admiralty for the confinement of any person or persons arrested by any process from that Court, and the Provost Marshal, upon application to him made for that purpose, shall allow such person or persons so arrested to be confined therein, and allow the said Marshal the free use and occupation thereof, for the purpose aforesaid; and also one other room in the said gaol for the confinement of any person or persons whatsoever who may be arrested and imprisoned by the coroner of these islands by virtue of his office.

VI. Repealed by 35 Vic. c. 5.

A room in the gaol to be appropriated for persons arrested by coroner.

No. 3.

19 Vic. c. 5. *An Act for regulating the mode of Conveying Lands sold under Legal Process, and for other purposes.* (1st April, 1856.)

I. That from and after the passing of this Act all lands, or any interest therein, sold by the Provost Marshal of these islands, by virtue of any writ of execution or other lawful process, or authority issuing out of any Court within these islands, or granted by any officer having lawful authority to issue and grant the same, may be conveyed by such Provost Marshal to the purchaser or purchasers thereof, by deed in the form set forth in the schedule to this Act annexed, and that every such deed shall be held and construed to include all houses and other hereditaments and appurtenances whatsoever to the land, or lands in such deed mentioned, belonging, or appertaining, and shall in all respects have the same and the like force and effect in law as the forms of conveyances heretofore used by the said Provost Marshal had, and have, for vesting a title in the purchaser or purchasers, and for barring the right of the party or parties named in such deed, as the owner or owners of the lands thereby conveyed, and of persons claiming under, or in right of him, her, or them.

II. That the Provost Marshal shall be entitled to retain out of the proceeds of all lands sold and conveyed by him as aforesaid the follow-

Mode of conveyance of land by Provost Marshal agreeably to form contained in schedule.

Provost Marshal's fees.

ing fees and no other for drawing, executing, and delivering the deed of conveyance therefor, any custom or usage to the contrary notwithstanding, that is to say, for every deed drawn, executed, and delivered by him conveying lands not exceeding the value of twenty pounds, four shillings. For every deed drawn, executed, and delivered by him conveying lands exceeding the value of twenty pounds but not exceeding the value of one hundred pounds, ten shillings. For every deed drawn, executed, and delivered by him conveying lands exceeding the value of one hundred pounds but not exceeding the value of two hundred pounds, one pound one shilling. And for every deed drawn, executed, and delivered by him conveying lands exceeding the value of two hundred pounds, two pounds two shillings.

III. That the purchase-money mentioned in any deed of conveyance, as aforesaid shall be deemed the value of the land conveyed by such deed, and where two or more parcels of lands sold as belonging to the same person shall be purchased by one purchaser, the whole of such lands shall be included in one deed, and the fee for such deed shall be charged according to the total amount of purchase-money stated in such deed.

Different lots of land purchased by one person to be included in one deed.

IV. That the Provost Marshal shall not be entitled to any fee, charge, or allowance, for the crying off of any lands, or goods and chattels sold by him by virtue of his office.

No fees chargeable for crying.

V. Repealed by 21 Vic. c. 23.

VI. That so much of the tenth section of the Act of the 45th George III., cap. 21, as enacts that the Provost Marshal shall not proceed to the sale of any such lands, and tenements, until he shall have given public notice in the Royal Gazette, or otherwise, in which he shall describe the said lands or tenements for the space of at least three calendar months after levy made, unless by the desire of the defendant, or defendants, signified to him in writing for that purpose, shall be and the same is hereby repealed.

Portion of tenth section, 45 Geo. 3, c. 21, repealed.

SCHEDULE.

BAHAMA ISLANDS.

This Indenture made the (here insert date of deed) in pursuance of an Act of Assembly passed in the nineteenth year of the reign of Queen Victoria, entitled (here insert title of this Act). Between (here insert name of Provost Marshal), Esquire, Provost Marshal of the Bahama Islands (or acting Provost Marshal as the case may be), of the one part, and (here insert name, or names, addition or additions of the purchaser, or purchasers of the land intended to be conveyed) of the other part; witnesseth that the said party of the first part, Provost Marshal as aforesaid, in consideration of the sum of (here insert purchase money) sterling now paid by the party of the second part, the receipt whereof is hereby acknowledged, doth grant unto the said party of the second part, all (here insert description of land intended to be conveyed). The said land having been sold by the Provost Marshal under the authority of (here insert nature of authority according to the examples subjoined, or otherwise, in accordance with the facts of the case) as the property of (here insert name or names, and addition or additions of the party or parties named in the writ, or other document authorising the sale). To have and to hold the said land with all and singular the appurtenances, as far as the said Provost Marshal can by law grant the same unto the said party of the second part, his (or her either as the case may be) heirs and assigns for ever. In witness whereof the said Provost Marshal (or acting Provost Marshal, as the case may be) has hereunto set his hand and seal the day and year first within written,

Sealed and delivered }
in the presence of }

Examples referred to in the foregoing form.

Examples.

First.—A writ of *feri facias* issued out of the General Court of the Bahama Islands, on the _____, day of _____ A.D. 18

Second.—A writ of *venditioni exponas* issued out of the General Court of the Bahama Islands on the _____ day of _____

A.D. 18

Third.—Repealed by 49 Vic. c. 8.

Fourth.—An order of the Court of Bankruptcy of the Bahama Islands, bearing date the _____ day of _____ A.D. 18

Fifth.—An order of the Court of Chancery of the Bahama Islands, bearing date the _____ day of _____ A.D. 18

No. 4.

21 Vic. c. 23.

Section V. relating to Provost Marshal will be found printed *in extenso*, ante, Part II., Class 4, No. 4.

No. 5.

32 Vic. c. 10. *An Act to amend the Act 28 Vic. c. 3, relating to Offences against the Person.* (Assented to 7th October, 1868.)

Prisoners may be kept at hard labour inside or outside walls of prison.

I. That whenever imprisonment with hard labour is awarded for any criminal offence it shall be lawful for the prison authorities to cause any prisoner so sentenced to be kept to hard labour within or without the walls of any lawful prison of the colony, according to such rules and regulations as may from time to time be in force for regulating prison discipline.

No. 6.

32 Vic. c. 15. *An Act to provide for carrying out of Capital Punishment within the Prison in the Island of New Providence.* (Assented to 14th April, 1869.)

Executions to be carried into effect within prison walls.

I. That judgment to be executed on any prisoner sentenced after the passing of this Act to suffer death for murder shall be carried into effect within the walls of the prison in the Island of New Providence in which the offender is confined at the time of execution.

Officers to be present at execution.

II. The Provost Marshal charged with the execution, and the gaoler, chaplain, and medical officer of the prison, and such other officers of the prison as the Provost Marshal requires, shall be present at the execution.

Provost Marshal and Prison Committee may admit persons to witness execution.

III. Any Justice of the Peace for the Colony, and such relatives of the prisoner or other persons, as it seems to the Provost Marshal or the members of the Prison Committee proper to admit within the prison for the purpose, may also be present at the execution.

Medical attendant and others to certify the death of offender.

IV. As soon as may be after judgment of death has been executed on the offender, the medical attendant on the prison shall examine the body of the offender, and shall ascertain the fact of death, and shall sign

a certificate thereof and deliver the same to the Provost Marshal. The Provost Marshal and the gaoler and chaplain of the prison, and such justices or other persons present (if any) as may be required or allowed as aforesaid, shall also sign a declaration to the effect that judgment of death has been executed on the offender.

V. The coroner of the Island of New Providence shall, within twenty-four hours after the execution, hold an inquest on the body of the offender, and the jury of the inquest shall inquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the offender, and the inquisition shall be in duplicate, one of the originals of which shall be forwarded to the Clerk of the Crown, to be filed of record in his office, and the other shall be forwarded to the Office of the Colonial Secretary. No officer of the prison or prisoner confined therein shall in any case be a juror on the inquest.

Coroner to hold inquest on body of offender.

VI. The Governor in Council shall from time to time make such rules and regulations to be observed on the execution of judgment of death in every prison as may from time to time be deemed expedient for the purpose, as well of guarding against any abuse in such execution as also of giving greater solemnity to the same, and of making known without the prison walls the fact that such execution is taking place.

Governor in Council to make rules to be observed at executions.

VII. If any person knowingly and wilfully signs any false certificate or declaration required by this Act, he shall be guilty of misdemeanor, and on conviction thereof shall be liable, at the discretion of the Court, to imprisonment for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Misdemeanor to sign false certificate.

VIII. The duties and powers by this Act imposed on or vested in the Provost Marshal may be performed by, and shall be vested in, the person lawfully exercising the duties of Provost Marshal, or any other officer charged in any case with the execution of judgment of death. The duties and powers by this Act imposed on or vested in the gaoler of the prison may be performed by and shall be vested in the person for the time being acting as gaoler.

Acting officers may exercise the powers of permanent ones.

The duties and powers by this Act imposed on or vested in the medical attendant of the prison may be performed by and shall be vested in the medical practitioner acting as medical attendant of the prison for the time being, under whatsoever designation he may be known.

The duties by this Act imposed on the chaplain may be performed by the person acting as chaplain for the time being.

IX. The forms given in the schedule to this Act, with such variations or additions as circumstances require, shall be used for the respective purposes in that schedule indicated, and according to the directions therein contained.

Schedule legalized.

X. The omission to comply with any provisions of this Act shall not make the execution of judgment of death illegal in any case where such execution would otherwise have been legal.

Cures any omission under this Act.

XI. Except in so far as is hereby otherwise provided, judgment of death shall be carried into effect in the same manner as if this Act had not been passed.

How death shall be effected.

SCHEDULE.

Certificate of Surgeon.

I, A. B., the surgeon (or as the case may be) of the [describe prison] hereby certify that I this day examined the body of C. D., on whom judgment of death was this day executed in the [describe same prison], and that on such examination I found that the said C. D. was dead.

Certificate of Surgeon.

Dated this

day of
(Signed)

A. B.

DECLARATION OF PROVOST MARSHAL AND OTHERS.

Certificate of
Provost Marshal
and others.

We the undersigned hereby declare that judgment of death was this day executed in the [describe prison] on C. D. in our presence.

Dated this

day of

(Signed)

E. F., Provost Marshal.

§ L. M., Justice of the Peace.

G. H., Gaoler of

J. K., Chaplain of

&c. &c.

Prison Com-
mittee may
administer oaths.

I. In every case of alleged breach of prison discipline the persons who by the rules for the time being in force for the government of prisons shall be authorised to investigate into and decide on such alleged offence shall be and they are hereby invested with full power and authority to administer an oath to every person brought before them as a witness to depose to the truth, the whole truth, and nothing but the truth, in the charge or matter of complaint then under investigation; and if any person having taken such oath shall wilfully and corruptly give any false evidence on any matter or question material to the subject then under investigation, every person so offending shall be deemed and taken to be guilty of perjury, and shall and may be criminally proceeded against for such offence in the same and the like manner as if the proceeding in which the false evidence was given had been a judicial proceeding in a Court of Law.

False evidence
to constitute
perjury.

No. 7.

36 Vic. c. 5. *An Act to regulate the mode of procedure in certain cases of Breaches of Prison Discipline.* (Assented to 29th January, 1873.)

No. 8.

48 Vic. c. 9. *An Act for the Punishment of Persons committing or assisting in the commission of Breaches of Prison Discipline.* (Assented to 17th April, 1885.)

Furnishing
liquors to
prisoners
punishable.

Penalty.

I. If any person, except with the authority or licence of the Inspector of Prisons, shall bring into the prison in the Island of New Providence, or shall convey to any of the prisoners on their way to or from the Prison, or to or from any public works or any other works outside the prison walls, or whilst employed on any such works, or attempt to bring or convey any spirituous or fermented liquor, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, with or without hard labour, for a period not exceeding two months.

Furnishing
tobacco, &c.,
to prisoners
an offence.

II. If any person, except with the authority or licence of the Inspector of Prisons, shall bring into any prison, or throw into it, or shall convey or attempt to convey to any of the prisoners on their way to or from prison, or to or from any works outside the prison walls, or whilst employed on any such works, any tobacco, money, clothing, provisions, letters, papers, books, or other articles not expressly allowed by the rules of the Prison to be in the possession of a prisoner, or shall, by desire of

any prisoner, carry any such articles out of prison, he shall for every such offence be liable to a penalty not exceeding five pounds, or imprisonment, with or without hard labour, for a period not exceeding two months.

Penalty.

III. All offences under this Act may be prosecuted under "The Summary Jurisdiction Act." How prosecuted.

No. 9.

52 Vic. c. 21.

The first section of this Act declares the Provost Marshal to be *ex-officio* Inspector of the Stipendiary Police Force of the Colony.

No. 10.

52 Vic. c. 27.

V. The person holding the office of Provost Marshal of these Islands, and his successors in such office, shall be *ex-officio* Inspector of Police, and shall perform the duties of the combined offices respectively as defined by law, and shall receive the annual salary set opposite to the offices in the Schedule A.

No. 11.

54 Vic. c. 14.

The fifth section of this Act enacts that the Provost Marshal and *ex-officio* Inspector of Police shall be *ex-officio* Inspector of Prisons and Commandant of the Constabulary Force organised under the Act.*

No. 12.

58 Vic. c. 32. *An Act for prospectively reducing the fixed Expenditure of the Colony, and for other purposes.* (Assented to 14th June, 1895.)

V. Whenever a vacancy shall occur in the office of Provost Marshal and Inspector of Police, by reason of the death, resignation, or otherwise of the present holder of such offices, the duties appertaining to such combined offices shall be separated and performed in the manner herein-after provided for by this Act; and so much of the fifth section of "The Bahamas Constabulary Act, 1891," as declares the holder of such combined offices to be *ex officio* Commandant of Constabulary and Inspector of Prisons shall then be repealed.

Combined offices of Provost Marshal and Inspector of Police to be separated.

* Sections V. and VII. of 58 Vic. c. 32, *post*, No. 12 of this Class, make other provision prospectively for the performance of the duties of the offices herein set out.

Registrar of
Records to be
appointed.
Provost Marshal.

VII. It shall be lawful for the Governor upon a vacancy occurring in the offices of Provost Marshal and Inspector of Police, as aforesaid, to appoint the Registrar of Records to be Provost Marshal of the Colony, and thereupon the person holding the office of Registrar of Records, shall perform all the duties and have all the privileges, rights, and protection appertaining to the office of Provost Marshal, and shall receive in respect of such combined offices a salary of three hundred pounds per annum payable out of the Public Treasury by warrant in the usual manner.

For other Acts relating to the duties of Provost Marshal, see Titles, General Assembly; Juries, &c., &c.

CLASS VIII.

CORONERS.

No. 1.

50 Geo. 3, c. 20. *An Act for regulating the Office of Coroner in the Island of New Providence, and for the better mode of compelling Jurors or other persons summoned to attend on Inquests, and for other purposes.* (24th November, 1809.)

PREAMBLE.

WHEREAS it is highly necessary that whenever the coroner of the said islands may receive notice of a violent death, casualty, or misadventure, an inquest should be held on the body as soon as possible, in order that the same may be interred without delay, but from the difficulty attending the collecting a sufficient number of fit and proper persons to form a jury, particularly so when the body is found at any distance from the town of Nassau, much inconvenience and delay have arisen: May it, &c., That every person serving as a juror on the inquest of the body of any person shall be of the age of twenty-one years, and a housekeeper or freeholder.

Qualification of jurors.

Jurors how to be summoned.

Persons exempted.

II. That from and after the passing of this Act it shall and may be lawful for the coroner of the island of New Providence to summon personally and verbally, or cause to be summoned by warrant under his hand, directed to any lawful constable, twenty-four persons duly qualified to serve as jurors as aforesaid: Provided always, that the following persons shall not be liable to serve upon juries directed by this Act, that is to say, members of His Majesty's Honourable Council, the speaker and members of the House of Assembly for the time being, surveyor-general of lands, receiver-general and treasurer, secretary, and acting secretary of these islands, masters in chancery, ministers of the Church of England, and dissenting congregations tolerated by law, physicians, surgeons, apothecaries, sworn attorneys, officers of His Majesty's Customs, licensed schoolmasters, branch pilots of the bar, persons above sixty years of age, and sick, maimed, or disabled persons.*

Persons not competent.

III. That the following persons shall not be competent to serve upon any of the said juries, that is to say, persons convicted of treason, murder, or felony, persons who have stood in the pillory, persons who have been convicted of perjury, madmen, lunatics, or idiots.

IV. That it shall and may be lawful for the coroner or any legal constable, by virtue of his warrant, to enter into any house, store, or lot, as well as on the highway, for the purpose of summoning twenty-four persons duly

* For other exemptions, see 38 Vic. c. 28, ante, Part II., Class XII., Juries.

qualified to serve as jurors, out of which number a jury shall be drawn; and the said coroner is hereby authorised and empowered to enforce the attendance of witnesses, as also the attendance of a surgeon or doctor, in cases of necessity.

V. That if any person or persons who shall have been duly summoned to attend as a juror or witness, at the place appointed, or where the inquest is to be held or taken, shall neglect or refuse to attend, or shall after attendance absent himself or themselves without leave from the coroner, then and in every such case, the coroner shall give in a list of such persons who shall neglect or refuse to attend, or after attendance, shall absent himself or themselves without his leave, to the judges of the General Court at the then next session of the same, who are hereby authorised and empowered to fine every such defaulter in a sum not exceeding ten pounds; * and all such fines shall be recovered in the same manner as those for non-attendance in the General Court.

Persons refusing to attend, how to be proceeded against.

VI. Repealed by 61 Vic. c. 8.

VII. That in case any dead body should be found, whose owner or friend is not known, it shall and may be lawful for the coroner to have (after the inquest has been held) the corpse removed to some house until a proper coffin can be procured and the interment take place, for which all reasonable charges or expense attending the same shall be paid to the coroner.

What are to be done with dead bodies whose owners or friends are not known.

No. 2.

4 Wm. 4, c. 25. *An Act for improving the administration of Criminal Justice in these Islands, for suspending certain Acts therein mentioned, and for other purposes.* (15th February, 1834.)

IV. That every coroner upon any inquisition before him taken, whereby any person shall be indicted for manslaughter, or murder, or as an accessory to murder, before the fact, shall put in writing the evidence given to the jury before him, or as much thereof as shall be material, and shall have authority to bind, by recognizance, all such persons as know or declare any thing material, touching the said manslaughter or murder, or the said offence of being accessory to murder, to appear at the next sitting of the General Court, then and there to prosecute or give evidence against the party charged; and every such coroner shall certify and subscribe the same evidence, and all such recognizances, and also the inquisition before him taken, and shall deliver the same to the proper officer of the said Court.

Coroner to put in writing the evidence taken by him before a jury.

V. That if any justice or coroner shall offend in any thing contrary to the true intent and meaning of these provisions, the Court, to whose officer any such examination, information, evidence, bailment, recognizance, or inquisition, ought to have been delivered, shall, upon examination, and proof of the offence, in a summary manner, set such fine upon every such justice or coroner, as the Court shall think meet.

Justices and coroners may be tried for neglect at the discretion of the Judges of the General Court.

No. 3.

4 Vic. c. 30. *This Act declares several Acts of Parliament to be in force in these Islands; and amongst them the Act of 4 Geo. 4, c. 52, entitled "An Act to alter and amend the Law relating to the interment of the remains of any Person found Felo-de-se."* (8th July, 1823.)

* All sums mentioned in this Act are at the old rate of Bahama currency.

No. 4.

10 Vic. c. 7. *This Act declares in force in the colony, the Act of Parliament 9 & 10 Vic. c. 62, entitled "An Act to abolish Deodands." By which it is enacted that there shall be no forfeiture of any chattel for or in respect of the same having moved to, or caused the death of man: and no coroner's jury sworn to inquire, upon the sight of any dead body, how the deceased came by his death, shall find any forfeiture of any chattel which may have moved to, or caused the death of the deceased, or any deodand whatsoever; and it shall not be necessary in any indictment or inquisition for homicide to allege the value of the instrument which caused the death of the deceased, or to allege that the same was of no value.*

No. 5.

12 Vic. c. 6. *An Act to provide for the Attendance and Remuneration of Medical Witnesses at Coroners' Inquests, and for the Payment of other Expenses attending the holding of such Inquests. (14th April, 1849.)*

Duty and power of the coroner in respect to summoning medical witnesses; and ordering *post mortem* examination.

That from and after the passing of this Act, whenever upon the summoning or holding of any coroner's inquest it shall appear to the coroner that the deceased person was attended at his death, or during his last illness, by any legally qualified medical practitioner, it shall be lawful for the coroner to issue his order in the form marked (A) in the schedule hereunto annexed for the attendance of such practitioner as a witness at such inquest, and if it shall appear to the coroner that the deceased person was not attended at or immediately before his death by any legally qualified medical practitioner, it shall be lawful for the coroner to issue such order for the attendance of any legally qualified medical practitioner, being at the time in actual practice in or near the place where the death has happened; and it shall be lawful for the coroner, either in his order for the attendance of the medical witness, or at any time between the issuing of such order and the termination of the inquest, to direct the performance of a *post mortem* examination, with or without an analysis of the contents of the stomach or intestines, by the medical witness or witnesses who may be summoned to attend at any inquest. Provided that if any person shall state upon oath before the coroner that in his or her belief the death of the deceased individual was caused partly or entirely by the improper or negligent treatment of any medical practitioner or other person, such medical practitioner or other person shall not be allowed to perform or assist at the *post mortem* examination of the deceased.

Proviso.

Power of coroners in jury in respect to requiring additional medical witnesses.

II. That whenever it shall appear to the greater number of the jurymen sitting at any coroner's inquest that the cause of death has not been satisfactorily explained by the evidence of the medical practitioner, or other witness or witnesses who may be examined in the first instance, such greater number of the jurymen are hereby authorised and empowered to name to the coroner, in writing, any other legally qualified medical practitioner or practitioners, and to require the coroner to issue his order, in the form hereinbefore mentioned, for the attendance of such last-mentioned medical practitioner or practitioners as a witness or witnesses and for the performance of a *post mortem* examination, with or without an analysis of the contents of the stomach

or intestines, whether such an examination has been performed before or not; and if the coroner, having been thereunto required, shall refuse to issue such order he shall be deemed guilty of a misdemeanor, and shall be punishable in like manner as if the same were a misdemeanor at common law.

III. That when any legally qualified medical practitioner has attended upon any coroner's inquest in obedience to any such order as aforesaid of the coroner, the said practitioner shall, for such attendance, be entitled to receive such remuneration or fee as is mentioned in the table marked (B), which shall be paid out of the public treasury by warrant of the Governor or other officer administering the Government in Council, upon the certificate of the coroner of the duty having been performed in accordance with this Act. *Provided always*, and be it further enacted, that when any inquest shall be holden on the body of any person who has died in any public establishment or institution, then and in such case nothing herein contained shall be construed to entitle the medical officer, whose duty it may have been to attend the deceased person as a medical officer of such institution as aforesaid, to the fees or remuneration herein provided.

Remuneration to medical witnesses.

IV. That where any order for the attendance of any medical practitioner, as aforesaid, shall have been personally served upon such practitioner, or where any such order not personally served shall have been received by any medical practitioner in sufficient time for him to have obeyed such order, or where any such order has been served at the residence of any medical practitioner, and in every case where any medical practitioner has not obeyed such order, he shall, for such neglect or disobedience, forfeit the sum of five pounds sterling upon complaint thereof made by the coroner or any two of the jury before any two justices having jurisdiction in the place where the inquest under which the order issued was held, or where such medical practitioner resides, and such two justices are hereby required, upon such complaint, to proceed to the hearing and adjudication of such complaint, and if such medical practitioner shall not show to the said justices a good and sufficient cause for not having obeyed such order, to enforce the said penalty by distress and sale of the offender's goods, as they are empowered to proceed by any Act of Assembly for any other penalty or forfeiture.

Five pounds penalty on medical witnesses duly summoned at inquests neglecting to attend.

V. That from and after the passing of this Act, *the fee of three pounds two shillings and sixpence, heretofore payable by annual vote of the legislature to the several coroners of the colony for each inquest held by them*, shall, together with the allowance for jurors' fees, mileage, and other incidental expenses, as provided for by the Acts of Assembly now in force regulating the office of coroner within these islands, be defrayed out of the public treasury of these Islands by warrant of the Governor or officer administering the Government in Council, on the production of a certificate from the Clerk of the Crown at Nassau, that the inquisition in the case, in respect of which such fees and expenses are charged, has been duly returned into his office.*

Coroners' and jurors' fees, mileage, &c.

SCHEDULE TO WHICH THIS ACT REFERS.

(A.)

Schedule A.

FORM OF SUMMONS.

Coroner's inquest at upon the body of . By virtue of this my order, as coroner for , you are required to

* So much of this section as provides for the payment of coroners' fees was repealed by 32 Vic. c. 13. That officer now receives an annual salary under 52 Vic. c. 27.

appear before me and the jury, at _____, on _____ the day of _____, one thousand eight hundred and _____, at _____ of the clock, to give evidence touching the cause of death of _____ and then and when the witness is required to make or assist at a *post mortem* examination, and make or assist in making a *post mortem* examination of the body with (or without) an analysis, as the case may be, and report thereon at the said inquest.

(Signed) _____ Coroner.
To _____, Surgeon or M.D., as the case may be.

Schedule B.

(B.)

TABLE OF FEES.

Fees of medical practitioner.

1st. To every legally qualified medical practitioner for attending to give evidence under the provisions of this Act at any coroner's inquest, whereat no *post mortem* examination has been made by such practitioner, the fee or remuneration shall be one guinea.

2nd. For the making of a *post mortem* examination of the body of the deceased, and for attending to give evidence thereon, the fee or remuneration shall be three guineas.

3rd. And such further amount in cases where an analysis of the contents of the stomach or intestines shall be made as shall in each particular case be considered by the legislature fair and reasonable.

No. 6.

23 Vic. c. 23. *This Act declares several Acts of Parliament to be in force in these islands, and amongst them the following Act, 22 Vic. c. 23 entitled "An Act to enable Coroners in England to admit to bail persons charged with Manslaughter," by which it is enacted as follows :*

I. In every case which a coroner's jury shall have found a verdict of manslaughter against any person or persons, it shall be lawful for the coroner or deputy coroner before whom the inquest was taken to accept bail if he shall think fit, with good and sufficient sureties, for the appearance of the person so charged with the offence of manslaughter at the next assize, and general gaol delivery, to be holden in and for the county within which the inquest was taken ; and thereupon such person, if in custody of any bailiff or other officer of the coroner's court, or in any gaol under a warrant of commitment issued by such coroner, shall be discharged therefrom.

II. In every case in which any coroner, or deputy coroner, shall admit any person to bail, he shall cause recognizances to be taken in the form given in the schedule to this Act, and give a notice thereof to every person so bound, and shall return such recognizances to the then next ensuing assizes, and such coroner, or deputy coroner, shall be entitled to such fees and charges as the Clerks of Justices of the Peace are by law entitled to on admitting persons charged to bail.

III. At any time after all the depositions of witnesses shall have been taken, every person against whom any coroner's jury may have found a verdict of manslaughter shall be entitled to have from the person having custody thereof copies of the depositions on which such verdict shall have been found, on payment of a reasonable sum for the same, not exceeding the rate of three halfpence for every folio of ninety words.

No. 7.

52 Vic. c. 27.

XII. By this section it is declared that the Resident and Assistant Resident Justices of the Colony shall be *ex officio* Coroners for the respective Districts, or portions of Districts, for which they are appointed.

No. 8.

53 Vic. c. 29. *An Act to consolidate and amend certain Acts relating to the Treatment of Persons of Unsound Mind.* (Assented to 16th May, 1890.)

XVII. It shall be the duty of the Resident Surgeon Superintendent of the Asylum upon the death of any lunatic detained and being in the said Asylum at once to notify the same to the Coroner for the Island of New Providence.

Coroner to be notified of death of lunatics in N.P. Asylum.

XVIII. Upon receiving such notification from the said Resident Surgeon Superintendent it shall be the duty of the said Coroner to proceed without delay to hold an inquest on the body of the said deceased lunatic.

Inquest to be held.

XIX. The second, third, fourth, and fifth sections of Act 50 Geo. 3, chapter 20, shall apply to inquests held under the authority of this Act in the same manner as if the same were incorporated in this Act and declared to be a part of the same.

Parts of 50 Geo. 3, c. 20, to apply to inquests.

XX. If upon an inquest held under this Act it shall appear to the Coroner or the majority of the jury that there is a necessity for a *post mortem* examination on the body of the lunatic into the cause of whose death the enquiry is then being made, it shall be lawful for the said Coroner to issue his order to any legally qualified medical practitioner, being in actual practice in the Island of New Providence, requiring such medical practitioner to attend and give evidence at such inquest, and to perform a *post mortem* examination, with or without an analysis, of the contents of the stomach or intestines of the deceased lunatic.

Authorises holding of *post mortem* examination.

XXI. Any medical practitioner failing to obey any order issued by the Coroner as aforesaid shall be liable to the same penalty as is now imposed upon a medical practitioner disobeying an order issued by the Coroner under the 12 Victoria, chapter 6, which penalty hereby imposed shall be recovered in the manner provided for the recovery of penalties under the said Act.

Penalty on medical practitioner.

XXII. The same fees shall be paid to a medical practitioner giving evidence and performing any services at an inquest held under this Act as are now allowed by law to a medical practitioner attending before a Coroner's inquest in other cases, and giving evidence or performing any services in relation thereto.

Fees of medical practitioner.

XXIII. All expenses connected with the holding of any inquest authorised by this Act shall be paid out of the Public Treasury by warrant in the usual manner.

Expenses how paid.

No. 9.

58 Vic. c. 22. *An Act to amend the Law relating to the appointment of Coroners in certain districts of the Out-Islands.* (Assented to 7th June, 1895.)

Coroners may be appointed for certain districts of the out-islands.

Remuneration of coroners.

Allowances and fees to be paid out of the Public Treasury.

Repeals.

Proviso.

I. It shall be lawful for the Governor to appoint from time to time a fit and proper person to be Coroner at any township or settlement on any Out-Island of the Government which is not included in the Magisterial District of a Resident or Assistant Resident Justice or which, although included therein, is shown to be at such a distance from the residence of such Justice as to render it impossible for him to perform his duties as *ex officio* Coroner for the District.

II. Every Coroner so appointed shall be entitled to receive for his services a reasonable allowance to be fixed by the Governor in Council.

III. Such allowances, together with fees payable to Jurors serving on any inquest, and which fees shall be at the same rate as is paid to Jurors serving on inquests in the Island of New Providence, shall be paid out of the Public Treasury by warrant in the usual manner.

IV. The Act of Assembly 30 George III., chapter 3, is hereby repealed. *Provided* that such repeal shall not affect or invalidate any matter or thing done thereunder by any person who may have been appointed Coroner by virtue of the provisions thereof.

No. 10.

59 Vic. c. 12. *An Act to amend the Law relating to procedure in cases of Death calling for investigation, and for other purposes.* (Assented to 20th March, 1896.)

Title of Act.

Deaths calling for investigation to be notified to coroner.

Persons found dead in the woods or fields, &c., to be notified to coroner.

Duty of members of the constabulary or police force.

Penalty for neglecting to notify coroner.

Supposed deaths to be enquired into.

I. This Act may be cited for all purposes as "The Investigation of Death's Act, 1896."

II. Every person who becomes aware of a death calling for investigation shall notify the same to the Coroner of the Island or District in which such death has occurred, or to the nearest Police Station.

III. If any death calling for investigation takes place, or any person be found dead in the woods, or fields, or any public or open place, any person who has been present at the death, or by whom the body has been discovered shall forthwith notify the same to the Coroner of the Island or District in which such death has occurred, or to the nearest Police Station.

IV. Where any death calling for investigation is reported to or comes to the knowledge of any member of the Constabulary or Police Force he shall forthwith cause a report thereof to be made to the Coroner of the Island or District in which he may be stationed and serving.

V. Every person becoming aware of any death calling for investigation who neglects to notify the same to the Coroner of the Island or District in which such death has occurred or at the nearest Police Station shall be liable on summary conviction before a Justice of the Peace to a penalty not exceeding ten pounds.

VI. And whereas cases occur in which persons come to their deaths, or are reasonably supposed to be dead, but their bodies cannot be found, be it enacted that in every such case a Coroner may and, whenever required by the Attorney-General, shall hold an enquiry into the circumstances connected with any such death or supposed death, and for

that purpose he shall have the same powers and authorities as to the summoning of witnesses and compelling their attendance before him as are now by law exercised by Coroners in cases where an inquest is held. And upon the conclusion of an enquiry held under this section the Coroner holding the same shall forward a report to the Secretary of the Colony for the information of His Excellency the Governor.

Report of enquiry to be made to the secretary of the colony.

VII. Where the dead body of any person is buried without any examination, or without sufficient examination, it shall be lawful for any Coroner about to hold or holding an inquest or enquiry as to the death of such person to order such body to be exhumed.

Dead bodies buried without any examination may be exhumed.

VIII. The Attorney-General may also direct whether a body shall be exhumed for the purposes of an inquest or inquiry before a Coroner or in connection with any examination held or being held by any Justice of the Peace with respect to the death of any person.

Attorney-General may direct a dead body to be exhumed.

IX. All expenses incurred under this Act shall be paid out of the Public Treasury of these Islands by warrant in the usual manner.

Payment of expenses.

No. 11.

60 Vic. c. 2. *An Act to authorise the holding of further inquiries by Coroners after the return of an inquisition.* (Assented to 14th April, 1897.)

I. This Act may be cited for all purposes as "The Coroners Further Inquiries Act, 1897." Title of Act.

II. From and after the passing of this Act, in addition to the duty now imposed by the first section of the Act of Assembly, 18 Victoria, chapter 14, upon the Clerk of the Crown, it shall be the further duty of that officer, upon the return to his office of any Coroner's inquisition relating to the death of any person forthwith, to deliver such inquisition and other papers returned therewith to the Attorney-General.

Coroner's inquisition to be delivered forthwith to Attorney-General by Clerk of the Crown.

III. If, in the opinion of the Attorney-General, it is desirable that further inquiry should be made into the causes of the death referred to in such inquisition, it shall be lawful for him to return such inquisition to the Coroner taking the same, and to direct and require such Coroner to make further inquiry and take additional evidence, if such can be obtained, in the matter.

Attorney-General may direct and require a coroner to make further inquiry.

IV. Upon receipt of such requisition it shall be the duty of and lawful for such Coroner to summon before him and examine upon oath or affirmation every person who may be able in his opinion to give any evidence concerning the death of the party named in the inquisition, and upon concluding such examinations such Coroner shall forward the same together with the inquisition without delay to the Attorney-General.

Coroner's duty upon receipt of Attorney-General's requisition.

V. Every Coroner acting under a requisition issued under the authority of the third section of this Act for the purpose of complying therewith, so far as relates to the summoning and compelling the attendance of witnesses, shall have the same powers as a Justice of the Peace when inquiring into an offence or cause of complaint upon which he has the power to make a summary conviction.

Powers of a coroner.

No. 12.

61 Vic. c. 8. *An Act to amend the Law with regard to the holding of Coroners' Inquests.* (Assented to 26th January, 1898.)

Inquisitions of coroners to be forwarded to Registrar of Supreme Court.

Mileage regulated.

Repeal.

I. From and after the commencement of this Act it shall be the duty of the several Coroners within these Islands to forward without delay to the Registrar of the Supreme Court of these Islands at Nassau the inquisition held by any such Coroner under the several Acts of Assembly of the Colony regulating the holding of Coroners' Inquests.

II. When an Inquest is held at any place distant more than one mile from the residence of the Coroner holding such Inquest, or of the Jurors or Witnesses attending thereat, there shall be paid to each such Coroner, Juror, and Witness an allowance of sixpence per mile exclusive of any other fee allowed by any Act of Assembly heretofore passed.

III. Section VI. of Act of Assembly 50 George III., chapter 20, shall be and the same is hereby repealed.

CLASS IX.

SALARIED MAGISTRATES.

No. 1.

48 Vic. c. 16. *An Act to improve the Administration of Justice.* (Assented to 17th April, 1885.)

PREAMBLE.

WHEREAS it would tend to the improvement of the administration of Justice within these Islands generally, and more especially within the various Out-islands of the Government, if provision were made for the appointment of Magistrates whose duties should be to visit the several Magisterial districts upon such Out-islands at regular and stated periods, to examine and review the proceedings of the various Resident and Assistant Resident Justices and other Justices of the Peace therein, and who would possess further and enlarged jurisdiction in magisterial matters; May it, &c.

Provides for appointment of stipendiary and circuit magistrates.

I. At any time after the coming into operation of this Act, and from time to time afterwards as vacancies may occur, it shall be lawful for the Governor to appoint, by Commission under the Great Seal of the Colony, two officers to be styled Stipendiary and Circuit Magistrates, each of whom shall receive a Salary of Five hundred pounds per annum, payable out of the Public Treasury by warrant in the usual manner, and out of which they shall each defray all travelling expenses incurred when on their circuits as hereinafter defined.*

Qualification.

II. No person shall be appointed under the preceding section unless he be a member of the English or Irish Bar, or a Scotch Advocate, or a member of the Bar of these Islands, or of any of Her Majesty's Colonies of not less than three years' standing.

The remaining Sections of this Act have been repealed by "The Supreme Court Act, 1896," and "The Magistrates Act, 1896."

* The salaries named herein have been prospectively reduced by 58 Vic. c. 32, to £450; and the circuits defined by "The Magistrates' Act, 1896."

No. 2.

The Out-island Salaried Magisterial Department of the Colony is fixed as follows, by the Acts 52 Vic. c. 27, and 56 Vic. c. 6:—

Harbour Island—A Resident Justice at Dunmore Town who has jurisdiction extending to Harbour Island, Spanish Wells, the Bluff, and Current Settlements, Gregory Town and Hatchet Bay.

A Resident Justice at Inagua.

A Resident Justice at Green Turtle, Abaco.

A Resident Justice at Albert's Town, Fortune Island, jurisdiction extending to Acklin's Island, and Crooked Island.

A Resident Justice at Governor's Harbour, Eleuthera, jurisdiction extending to James's Cistern, Savannah Sound, and Palmetto Point.

A Resident Justice at Long Island.

A Resident Justice for Great and Little Exuma.

A Resident Justice at Bimini.

A Resident Justice at Andros Island.

A Resident Justice at Ragged Island.

A Resident Justice at San Salvador.

A Resident Justice at Rum Cay.

An Assistant Resident Justice at Rock Sound, Eleuthera.

An Assistant Resident Justice at Tarpum Bay, Eleuthera.

An Assistant Resident Justice at Watling's Island.

An Assistant Justice at Cherokee Sound, Abaco.

An Assistant Resident Justice at Hope Town, Abaco.

An Assistant Resident Justice for Eight Mile Rock and Carrion Crow Harbour, Grand Bahama.

All these officers are, within their respective Districts, Revenue Officers, custodians of the Lists of Voters, and Coroners.

CLASS X.**ACTS RELATING TO THE OFFICE AND DUTIES OF
MAGISTRATE.****No. 1.**

40 *Geo. 3, c. 2.*

By this Act the following Imperial Statutes relating to the office of Magistrates are extended to this Colony, viz.:—

1 Ed. 3, statute 2, c. 16. "Who shall be assigned Justices and Keepers of the Peace."

4 Ed. 3, c. 2. "The authority of Justice of Assize, Gaol Delivery, and of the Peace."

18 Ed. 3, statute 2, c. 2. "Justices of the Peace shall be appointed and their authority."

15 Rich. 2, c. 2. "The duty of Justices of the Peace when any forcible entry is made into lands."

5 Henry 4, c. 10. "Justices shall imprison none but in the common gaol."

13 Henry 4, c. 7. "The Justices of the Peace and Sheriffs shall arrest those who commit any riot, &c., inquire of them, and record their offences."

8 Henry 6, c. 9. "The duties of Justices of the Peace where land is entered upon or detained with force."

4 Henry 7, c. 12. "All Justices of the Peace shall execute their commission, redress injuries, and maintain the laws."

21 James 1, c. 15. "An Act to enable Judges and Justices of the Peace to give restitution of possession in certain cases."

And by the 8th section of the same Act it is declared that Her Majesty's Justices of the Peace within these islands have, and of right ought to have, power and authority to execute so much as well of the statutes extended by the Act as of the common law as lawfully may be executed in England.

No. 2.

53 Vic. c. 12. *An Act to extend the powers of Justices of the Peace within the Bahama Islands and for other purposes.* (Assented to 27th March, 1890.)

Every person in possession of any thing reasonably suspected of being stolen, and not able to give satisfactory account of same, guilty of misdemeanor.

I. Every person who shall be brought before any Justice of the Peace for the Bahama Islands charged with having in his possession or conveying in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such Justice how he came by the same, shall be deemed guilty of a misdemeanor, and shall be liable to imprisonment by the said Justice with or without hard labour for any term not exceeding three calendar months.

II., III., IV., and V. Repealed by "The Magistrates' Act, 1896."

Title to property or possession of goods detained may be inquired into by Justices of the Peace.

VI. Upon complaint made to any Justices of the Peace by any person claiming to be entitled to the property or possession of any goods which are detained by any other person, the value of which shall not be greater than five pounds, and not being deeds or papers relating to any property of greater value than five pounds, it shall be lawful for such Justices to summon the person complained of and to inquire into the title thereto or to the possession thereof; and if it shall appear to the Justice that such goods have been detained without just cause after due notice of the claim made by the person complaining, it shall be lawful for such Justice to order the goods to be delivered to the owner thereof. And every person who shall neglect or refuse to deliver up the goods according to such order shall forfeit to the party aggrieved the full value of such goods not greater than the sum of five pounds, such value to be determined by the Justice, such sum to be recovered by distress and sale of the defendant's goods and chattels, and in default of such distress by imprisonment with or without hard labour for any time not exceeding one calendar month, unless the sum shall be sooner paid.

Penalty.

VII. Repealed by "The Magistrates' Act, 1896."

Any Justice of the Peace may issue an order for a prisoner to be brought before him to be examined as a witness.

VIII. Any Justice of the Peace may issue an order in writing for bringing up before him any prisoner or person confined in any gaol, prison, or place in the island or settlement in which the said Justice of the Peace has jurisdiction to be examined as a witness in any proceeding or investigation then being heard and examined into before such Justice, and any such person while being brought before such Justice, and while being taken back to the gaol, prison, or place from whence he has been brought, shall be deemed to be in lawful custody and subject to the sentence for which he is undergoing punishment.

MAGISTRATES ACT, 1896.

[59 Vic. c. 27.]

ARRANGEMENT OF SECTIONS.

1. Short Title and commencement.
2. Repeal.
Forms in use to be used under this Act.
3. Interpretation clause.

PART I.

Powers, Duties, and Privileges of Magistrates.

4. Jurisdiction of Magistrates.
Limited to Districts.
Except by direction of Attorney-General.
5. Magistrates may act for each other, and the Governor may direct them to do so.
6. Two circuits to be held in each year.
7. Jurisdiction of Circuit Justice on circuit.
8. Powers of one Circuit Justice in absence of the other.
9. Every action against a Magistrate must allege that the act was done maliciously.
10. Conditions under which actions may be brought.
11. Action to be brought against convicting Magistrates.
12. Supreme Court may order Magistrates to do that, the legality of which he is uncertain.
13. Defect in conviction must not operate against Magistrate issuing warrant of distress, &c.
14. Court may set aside proceedings in action.
15. Action cannot be commenced after three months.
Magistrates entitled to one month's notice of intended action.
16. Defendant may plead general issue, &c.
17. Magistrate may tender amends.
18. When plaintiff shall be nonsuit.
19. Recovery of damages and costs.
20. Mode of Procedure.

PART II.

Preliminary.

21. When Magistrate may issue his summons.
22. How complaint to be laid.
23. To be one of matter only at a time.
24. May be made by Counsel or Attorney.
25. Magistrate has discretion to refuse summons. Remedy on refusal.
26. How summons is to be served.
27. How service is to be proved.
28. If the person summoned does not appear warrant may issue.
29. When a warrant may issue in the first instance.
30. As to warrant when offence is committed on the high seas and beyond sea.
31. As to form of warrant.
32. Alias warrants, when and where warrant may be executed.
33. Proceedings on arrest out of the district.
34. Proceedings on arrest in the district.
35. Proceedings on arrest without warrant.
36. Search warrant.

37. Warrant not to lapse on death or removal of Magistrate.
38. Any Magistrate other than the one hearing the case may act in the case either before or after hearing.

PART III.

Preliminary Inquiries.

39. Court House not to be an open Court.
40. Preliminary inquiry where case not triable summarily.
41. When a child may be tried summarily.
42. When a young person may be tried summarily.
43. Power to remand in order to secure the presence of parent or guardian.
44. Where an adult may be tried summarily.
45. Where an adult pleading guilty may be dealt with summarily.
46. When a case may not be dealt with summarily.
47. Power to remand in order to ascertain if case should be dealt with summarily.
48. Evidence to be taken on oath.
Witnesses to be examined in presence of accused who may cross-examine.
49. Depositions.
50. Magistrate to dismiss the charge or call on accused for his defence.
51. Mode of calling on accused for his defence.
Statement of accused to be taken down.
Proviso.
52. Accused may show cause and call witnesses.
53. Magistrate to dismiss the charge or to commit for trial.
Proviso.
54. When accused is brought up in another district, Magistrate may hear and dismiss the charge.
55. Or may commit for trial.
56. Or may send accused to district in which the offence was committed.
Together with the depositions.
57. Magistrate of such District to deal with the case as if originally commenced before him.
58. Peace officer on delivery of prisoner to Magistrate entitled to his expenses.
Magistrate to give Peace Officer a certificate.
59. Prosecutor and witnesses to be bound over to appear at trial of accused.
All recognisances, depositions, &c., to be transmitted to the Attorney-General.
60. Powers of Attorney-General, if immaterial witness is bound over.
61. Where the accused is to be conveyed before a Magistrate in another district he may be admitted to bail.
All depositions and recognisances to be transmitted to the Magistrate of such other district.
62. Accused on committal to be committed to prison unless bailed.
63. Peace Officer to convey him to prison and deliver him to the Gaoler.
Gaoler to give a receipt for the prisoner.
64. Magistrate may not admit to bail for certain felonies.
65. May admit to bail for misdemeanor and certain cases of felony.
66. Magistrate may admit to bail for misdemeanor at any time.
67. When Magistrate may admit to bail on adjournment of hearing.
68. Warrant of deliverance.
69. Person bailed to enter into recognisances for his reappearance.
70. Court may order accused to be admitted to bail.

71. Notice of application to Court to be given to committing Magistrate or Coroner, who shall forward copy of the information and evidence to the Attorney-General.
72. Accused entitled to copy of depositions on payment.

PART IV.

Summary Jurisdiction (Criminal).

73. Court House to be an open court.
74. Either party may appear in person or by Counsel.
75. Limitation six months unless otherwise provided.
76. If defendant does not appear Magistrate may proceed *ex parte*.
77. If complainant does not appear Magistrate may dismiss or adjourn.
78. If neither party appears Magistrate may dismiss or adjourn.
79. If on adjourned hearing either party does not appear Magistrate may proceed.
80. If both parties appear case to proceed.
81. If defendant pleads guilty Magistrate to convict him.
82. If defendant pleads not guilty Magistrate to hear evidence of both parties. Defendant and his wife may give evidence.
Neither party to have right of reply on the other.
83. Magistrate then to determine the case.
84. If he dismisses the case defendant entitled to certificate of dismissal.
85. If he convicts, conviction to be drawn up.
86. Magistrate may award costs to prosecutor.
87. Or to the defendant.
88. Costs to be recoverable with the fine.
If no fine imposed then by distress.
89. Defendant's costs recoverable by distress.
90. No costs if fine does not exceed 5s.
91. Powers of Magistrate when the offence is of a trifling nature.
Except where an adult is convicted on pleading guilty to an indictable offence.
92. Magistrate may order imprisonment without hard labour and reduce the term.
May reduce the prescribed fine.
May impose fine though no option is given by the Act contravened.
May dispense with recognisances to keep the peace.
Proviso.
Proviso.
93. Where a Magistrate awards imprisonment without option of a fine he shall commit prisoner to gaol.
94. Cumulative sentence not to exceed six months in all.
95. Where convict is already undergoing imprisonment.
96. A child or young person may not be imprisoned or fined more than £5.
Distress shall issue against parent or guardian.
97. An adult may be imprisoned for six months or fined £20.
98. Magistrate may send child or young person to Statutory Training School.
99. Or discharge him.
Or order whipping.
Corporal punishment not to be inflicted except under this Act.
Power to Judge to inflict same punishment as Magistrate could on child or young person.
100. Whipping.
Proviso.

101. Where fine imposed Magistrate may issue warrant of distress within district.
102. Where no sufficient distress in the district warrant may be endorsed and executed in another district.
103. Execution to cease on payment of amount leviable.
104. When distress warrant issued Magistrate may suffer defendant to go at large or detain him in prison.
Unless defendant gives security for his reappearance.
105. Where return is *nulla bona* Magistrate may commit the defendant.
106. Defendant who pays after commitment to be discharged on payment.
107. Powers of Magistrates when imposing a fine.
108. On default of payment of any instalment process to issue for the whole.
109. Mode of payment by instalments.
110. Magistrate may postpone issue of warrant of distress or commitment.
111. Scale of imprisonment in default of payment of fine or of sufficient distress.
112. Power to Magistrate to order attachment of debts due to person sentenced to pay a fine.
113. Power to give damages.
114. Disposal of sums forfeited.
115. Where more than one person is ordered to pay a sum equal to the damage done, prosecutor only to receive the amount of his damages and the balance to go to the Treasury.
116. All convictions to be transmitted to the Supreme Court and deposits lodged.
Certified copy of conviction to be evidence in subsequent proceedings.
117. Magistrate to make return of convictions and monies received.
Attorney-General may require a full report.
118. And move the Court for a review.

PART V.

Summary Jurisdiction (Matrimonial).

119. In cases of desertion Magistrate may order maintenance of wife and family.
120. Except where the wife has misconducted herself.
121. Order to be enforced like a conviction.
122. Forms and procedure.
123. Service of summonses, notices, and orders.
124. Provision for the payment of money under an order in cases where the mother is dead or of unsound mind, &c.
125. Father of child compellable to support it though wife is dead.
126. Order for separation where husband is convicted of aggravated assault.
127. Custody of children.
Maintenance.
128. Competence as witnesses of husband and wife.

PART VI.

Civil Jurisdiction.

129. Plaintiff and defendant may give evidence.
130. Venue.
131. Limitation, two years.
132. Fees to be taken.
Cases where fees may be remitted.
133. Claims may not be split.

- 134. Set off.
- 135. Powers of compulsion on witnesses.
- 136. Magistrate may order a new trial.
- 137. Costs.
- 138. Of execution.
- 139. Judgments and orders shall not be enforced by imprisonment except
- 140. As in the case of a judgment debtor on a judgment summons.
- 141. And when the doing or abstaining from the doing of any act is ordered.
- 142. The Magistrate may order a penalty per diem or imprisonment.
- 143. Provided the imprisonment does not exceed six months and the penalty £20.
- 144. All monies collected to be paid to Magistrate or Clerk.
- 145. Rules in Schedule II. may be amended by Chief Justice.

PART VII.

Appeals.

- 146. When an appeal lies.
To what Court—Proviso.
- 147. Duty of Magistrate on giving appealable decision.
- 148. Appeal operates as a stay.
Either on motion or by special case.
Notice of appeal.
- 149. Recognisance or security to be taken.
- 150. Transmission of appeal papers.
- 151. Appellant to go at large.
- 152. Special case.
- 153. Remedy if special case refused.
- 154. Duty of Magistrate as to special case.
How the parties may obtain copies of special case.
- 155. Appellant entitled to copies of evidence, &c.
- 156. Registrar to set appeal down for argument.
- 157. Appeal not a re-hearing unless the Court so directs.
Proviso.
- 158. Procedure on hearing of appeal on motion.
- 159. Court on hearing of appeal on motion to decide on facts as well as law.
- 160. On appeal by special case Court confined to facts and evidence stated therein.
- 161. Powers of Court on hearing appeals.
- 162. Costs.
- 163. Where appeal is abandoned Court may give Respondent his costs.
- 164. No appeal on point of form or matter of variance—Exception.
- 165. Court may decide on merits notwithstanding any defect in form.
- 166. No certiorari. Defect in warrant of commitment not to render it void.
- 167. How costs are to be payable.
- 168. How costs are recoverable.
Proviso as to civil proceedings.
- 169. Where conviction confirmed, warrant may issue as though no appeal had been made.
Procedure when conviction quashed.

PART VIII.

Witnesses.

- 170. Summoning witnesses. Service.
- 171. Warrant may issue on non-appearance.

- 172. When warrant may issued in first instance.
- 173. Witness refusing to be sworn or to answer may be committed.
- 174. Complainant a competent witness.
- 175. When depositions may be read at the trial.
- 176. As to taking the deposition of a witness who is ill or about to leave the Colony.
- 177. Notice to the prisoner to be present.
- 178. Magistrate to deal with the deposition like any other deposition.
- 179. Such deposition to be admissible in evidence.
Proviso.
- 180. Defendant to have the same privilege as the prosecutor under last Section.
- 181. Power to order a prisoner to be brought up to give evidence.

PART IX.

Recognisances and Security.

- 182. Binding over to keep the peace.
- 183. Defendant in default may be committed.
- 184. Magistrate may vary the order on cause shown.
- 185. Form of recognisance.
How conditioned.
- 186. Notice of recognisance.
- 187. Proof of sufficiency.
- 188. Estreating recognisances conditioned for appearance.
Forfeiture may be cancelled on security being given.
- 189. Estreating recognisance conditioned for keeping the peace or doing some act or thing.
- 190. Payment of sums forfeited.
- 191. Regulations as to securities.
- 192. How forfeited security is to be realised.
- 193. Security given by a principal on conviction to be recovered like a fine.
In any other case like a civil debt.
Proviso.
- 194. Surety paying under a security may recover the amount from the principal like a civil debt.
- 195. Security to be realised before other steps are taken.
- 196. Recognisance taken out of Court.

PART X.

Distress.

- 197. What may not be taken.
- 198. Warrant how executed.
- 199. Public auction after five days.
- 200. And within fourteen days.
- 201. Impounding goods levied on penalty for removing impounded goods.
- 202. Account to be sent to Magistrate of costs.
- 203. Costs of sale to be deducted from proceeds.
- 204. Warrant not to be executed if amount due and all costs be paid or tendered.
- 205. Replevy.

PART XI.

Miscellaneous.

- 206. General provisions as to local jurisdiction of Magistrates.
- 207. Description of the property of partners, &c.

208. Description of the offence.
Exception or proviso may be proved by defendant.
209. Aiders and abettors.
210. No objection to be allowed on point of form or variance.
211. Of variance as to time or place.
212. The party charged if deceived by variance between information and evidence may be committed or discharged upon recognisance.
213. Warrant of distress not to be impeached for want of form.
214. Power to sell forfeitures.
215. Procedure where a person charged with an indictable offence is dealt with summarily.
216. Power to Magistrate to adjourn and remand—Proviso.
217. Power to Magistrate to amerce the complainant if the charge is baseless.
218. Power to preserve order.
219. Power to enforce execution of process.
220. Minute to be recorded.
221. No person to be punished twice for same offence.
222. Enforcement of order made under sections 218 and 219.
223. Penalty for extortion.
224. Fees in summary proceedings.
Magistrate may dispense with the fee in certain cases.
Proviso as to police.
225. Proof by declaration, of service of process, of handwriting, &c.
226. Return of property taken from prisoner.
227. Disposal of fees, fines, &c.
228. Register of Magistrate's Court.
229. Power to make rules.
230. As to offences relating to the Post Office and Revenue.
231. Application of this Act.
232. Perjury.

SCHEDULE I.

Indictable offences which can be dealt with under this Act.

SCHEDULE II.

Rules of Court in civil proceedings.

SCHEDULE III.

Fees in criminal matters.

Fees in civil proceedings.

SCHEDULE IV.

Acts and parts of Acts repealed.

No. 3.

59 Vic. c. 27. *An Act to consolidate the Laws relating to Magistrates.*
(Assented to 30th April, 1896.)

I. This Act may be cited as "The Magistrates Act, 1896," and shall commence and come into operation on a day to be named by the Governor by proclamation. Short title and commencement.

II. The Acts set forth in the 4th Schedule hereto are hereby repealed. Repeal.

Proviso.

Provided that this section shall not affect any right or privilege acquired, or any liability incurred, or any prosecution pending, or the enforcing of any fine, forfeiture, or imprisonment suffered by any person prior to the commencement of this Act. And provided that wherever in any Act of the Colony reference is made to any of the Acts in the said schedule, such Acts so referred to as aforesaid shall be deemed to be this Act.

Forms in use to be used under this Act.

Provided also that all forms hitherto in use under the Acts repealed by this Act shall continue to be used under this Act until cancelled or otherwise altered or amended under the provisions in this Act in that behalf.

Interpretation clause.

III. The following expressions shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them :—

Adult means a person who, in the opinion of the Magistrate before whom he is brought is of the age of seventeen years or upwards.

Child means a person who, in the opinion of the Magistrate before whom he is brought, is under the age of fourteen years, and of sufficient age and capacity to commit crime. Provided that this definition shall not apply to Part V. of this Act.

Circuit Justice means a Stipendiary and Circuit Magistrate mentioned in the Act of Assembly, 48 Vic. c. 16, when on circuit.

Civil Proceedings include all small causes as defined by this Act, and all proceedings in relation to the making of an order (i.) for the payment of any sum of money declared to be a civil debt, recoverable summarily by this or any other Act of the Colony, or (ii.) for the doing or the abstaining from the doing of any act or thing not enforceable by fine or imprisonment in the first instance.

Colony means the Islands and territorial waters of the Bahamas Government.

Complaint means a charge not made on oath, and whether or not reduced into writing, and includes information.

Conviction means any summary conviction on a complaint or information, and includes any order made by a Magistrate on any matter brought before him on complaint or information; and also any other order made under the provisions of this Act for the payment of any fine as defined by this Act, not being a judgment in Civil proceedings.

Court means the Supreme Court, and includes a Circuit Justice on circuit.

District means the area for which a Magistrate is lawfully appointed to act as Magistrate.

Fine includes penalty, and also any pecuniary forfeiture or pecuniary compensation, or any sum of money or any costs payable under any decision of a Magistrate not being a judgment in Civil proceedings.

Future Act means any Act passed subsequent to the commencement of this Act.

Goods means any personal property which may by law be levied on by distress or writ of execution.

Guardian includes any person who, in the opinion of the Magistrate, having cognisance of any case in which a child or young person is concerned, has for the time being the charge of, or control over, such child or young person.

Imprisonment in the first instance means imprisonment imposed at the time of the making of a conviction without the option of paying a fine.

Indictable offence means any offence which (except as provided by Part III. of this Act) is triable only at the Sessions.

Information means a charge made on oath and reduced into writing.

Judgment means a final decision in civil proceedings, and includes an interlocutory order.

Land includes houses, buildings, and other corporeal hereditaments of any tenure.

Magistrate means a Stipendiary and Circuit Magistrate, a Stipendiary Justice of the Peace, a Salaried Magistrate, a Police Magistrate, a Justice, a Resident Justice, an Assistant Resident Justice, a Justice of the Peace, two Justices of the Peace, or a Court of Summary Jurisdiction.

Month means calendar month.

Oath includes affirmation and declaration.

Offence means any contravention of any law in force in the Colony which is punishable or enforceable on a verdict of a jury or on summary conviction by fine or imprisonment.

Out-Island means any island in the Colony other than that of New Providence.

Parent includes the mother of, and the putative father of, a bastard child.

Past Act means any Act passed before the commencement of this Act.

Peace Officer means a Constable, or any member of the Police or Constabulary Force, or any other person lawfully authorised to discharge Police duties.

Person includes child, young person, and adult, and also a body corporate.

Sessions means the Supreme Court sitting to try indictable offences.

Small Cause means any action, suit, or proceeding where the amount sought to be recovered, or the value of the property in dispute, or the rent in arrear, is of the amount of £10 or under, other than an action, suit, or proceeding in which the title to land is involved.

Statutory Training School means any Reformatory, industrial, or other school established, or to be established, under any Act of the Colony for the reformation, education, and training of children and young persons.

Supreme Court means the Supreme Court of the Bahama Islands, and includes The Chief Justice sitting in Chambers.

Warrant includes search warrant, distress warrant, and warrant of commitment.

Young Person means a person who in the opinion of the Magistrate before whom he is brought is of the age of 14 years and under the age of 17 years.

Words in the singular include the plural, and in the plural include the singular.

And where any Government official is referred to in this Act any person lawfully acting as such is included.

PART I.

POWERS, DUTIES, AND PRIVILEGES OF MAGISTRATES.

Jurisdiction of
Magistrates.

IV. Every Magistrate has jurisdiction :—

- (I.) To receive complaints and informations of all offences, and to cause to be brought before him, either by summons or warrant, all persons charged with such offences.
- (II.) To issue search warrants as hereinafter provided.
- (III.) To investigate all charges which he is not empowered to try summarily, and to dismiss the accused or to commit him for trial before the sessions.

- (iv.) To try summarily and to convict and sentence all persons charged with committing offences which he is empowered to try summarily by this or any other Act of the Colony ; And to make orders of maintenance against husbands who have deserted their families ; And to make all such other convictions and orders as under any Act of the Colony he is authorised to make, and which may be carried out and enforced by fine or imprisonment in the first instance.
- (v.) To bind over persons to keep the peace and be of good behaviour.
- (vi.) To admit to bail persons charged with, or committed for trial, for any offence save only as hereinafter mentioned.
- (vii.) To bind over prosecutors and witnesses by recognisances to prosecute and give evidence.
- (viii.) To order the condemnation and sale of any vessel or thing liable to forfeiture on the committing of any offence punishable by a Magistrate.
- (ix.) To enforce the payment of any fine imposed by a Magistrate by distress or imprisonment.
- (x.) To administer oaths to any person when required by this or any other Act of the Colony, and generally for the effecting of the purposes of this Act.
- (xi.) To exercise all powers vested in a Police Magistrate of the Colony by "The Extradition Act (Bahamas), 1877," in relation to the surrender of fugitive criminals under the Imperial "Extradition Acts, 1870 and 1873." Provided always that a Magistrate in an out-island shall forthwith on the apprehension of a fugitive criminal cause him to be brought before a Magistrate at Nassau to be further dealt with by him.
- (xii.) To exercise the jurisdiction and powers given to a Magistrate under "The Fugitive Offenders Act, 1881," of the Imperial Parliament. But provided that a Magistrate in an out-island shall forthwith on the apprehension of a fugitive criminal cause him to be brought before a Magistrate at Nassau to be further dealt with by him.
- (xiii.) To exercise all the powers of a Justice of the Peace, or two Justices of the Peace of the Colony, and also two Justices of the Peace in the United Kingdom under "The Merchant Shipping Act, 1894," of the Imperial Parliament.
- (xiv.) To hear and determine all civil proceedings as defined by this Act.
- (xv.) To exercise such other powers and do such other acts not hereinbefore mentioned as may be prescribed by this Act, or by any other past or future Act of the Colony, or any Act of the Imperial Parliament.

Limited to districts.

Except by direction of Attorney-General.

The jurisdiction conferred on a Magistrate by this Act shall (except where otherwise prescribed by this Act) be exercised by him only within the limits of his district.

Provided always that it shall be lawful for the Attorney-General, if he thinks it expedient to do so, to institute, and also to issue his fiat authorising any other person to institute, any proceedings before a Magistrate in respect of a matter which is cognisable by a Magistrate in another district. And thereupon, and in the case of another person on the production of such fiat to the Magistrate, the Magistrate shall have jurisdiction to deal with such matter as aforesaid.

V. Every Magistrate may act in case of necessity for, or in the place of, or assist another Magistrate in the discharge of his duties, and the Governor may, whenever he shall deem it expedient, direct any Magistrate so to act or assist, and every Magistrate acting for, or in the place of, or assisting another Magistrate, shall have the same power and jurisdiction, and be entitled to the same immunities and protections, as the Magistrate for whom he is acting or whom he is assisting has and is entitled to.

Magistrates may act for each other and Governor may direct them so to do.

VI. Two Circuits shall be made in every year by a Circuit Justice throughout the out-islands at such times, and in such manner, and including such places as the Governor may direct.

Two circuits to be held in each year.

VII. A Circuit Justice shall have jurisdiction to hear appeals in the out-islands as hereinafter provided. And also to hear and determine all original complaints and civil proceedings which may be brought before him on circuit as fully as if the same had come before him as a Magistrate in New Providence.

Jurisdiction of Circuit Justices on circuit.

Provided that in no case shall there be an appeal from the decision of a Circuit Justice given on circuit.

VIII. When either of the Circuit Justices is on circuit the other Circuit Justice may, if he thinks it expedient, continue as Magistrate the hearing of and may dispose of any complaint or claim commenced or part heard by the first-mentioned Circuit Justice as Magistrate in New Providence.

Powers of one Circuit Justice in the absence of the other.

IX. Every action hereafter to be brought against any Magistrate for any act done by him in the execution of his duty as such Magistrate, with respect to any matter within his jurisdiction as such Magistrate, shall be in the nature of an action on the case as for a tort; and in the declaration or claim it shall be expressly alleged that such act was done maliciously, and without reasonable and probable cause, and if at the trial of any such action, upon the general issue being pleaded the plaintiff shall fail to prove such allegation, he shall be nonsuit, or a verdict shall be given for the defendant.

Every action against a Magistrate must allege that the act was done maliciously.

X. For any act done by a Magistrate in a matter of which by law he has not jurisdiction, or in which he shall have exceeded his jurisdiction, any person injured thereby, or by any act done under any conviction or order made or warrant issued by such Magistrate in any such matter, may maintain an action against such Magistrate in the same form and in the same case as he might have done before the passing of this Act, without making any allegation in his declaration or claim that the act complained of was done maliciously and without reasonable and probable cause. Provided nevertheless that no action shall be brought for anything done under such conviction or order until after such conviction shall have been quashed by the Supreme Court; nor shall any such action be brought for anything done under any such warrant which shall have been issued by such Magistrate to procure the appearance of such party, and which shall have been followed by a conviction or order in the same matter, until after such conviction or order shall have been so quashed as aforesaid; or if such last-mentioned warrant shall not have been followed by any such conviction or order or, if it be a warrant, upon an information for an alleged indictable offence; nevertheless if a summons were issued previously to such warrant, and such summons were duly served and he did not appear according to the exigency of such summons, in such case, no such action shall be maintained against such Magistrate for anything done under such warrant.

Conditions under which action may be brought.

XI. Where a conviction or order is made by a Magistrate, and a warrant of distress or commitment is granted thereon by some other Magistrate *bonâ fide* and without collusion, no action shall be brought against the Magistrate who granted such warrant by reason of any defect in such conviction or order, or for any want of jurisdiction in

Action to be brought against convicting Magistrate.

Mandamus to
magistrate refus-
ing to act.

the Magistrate who made the same, but the action (if any) shall be brought against the Magistrate who made such conviction or order.

XII. In all cases where a Magistrate refuses to do any act relating to the duties of his office as such Magistrate, it shall be lawful for the party requiring such act to be done to apply to the Supreme Court upon an Affidavit of the facts, for a rule calling upon such Magistrate and also the party to be affected by such act, to show cause why such act should not be done; and if, after due service of such rule, good cause is not shown against it, the Court may make the same absolute with or without or upon payment of costs as to them seems meet; and the Magistrate, upon being served with such rule absolute, shall obey the same, and shall do the act required, and no action or proceeding whatsoever shall be commenced or prosecuted against such Magistrate for having obeyed such rule and done such act so thereby required as aforesaid.

Defect in convic-
tion not to
operate against
Magistrate is-
suing warrant of
distress, &c.

XIII. In all cases where a warrant of distress or warrant of commitment is granted by a Magistrate upon any conviction or order which, either before or after the granting of such warrant, shall have been or shall be confirmed upon appeal, no action shall be brought against such Magistrate who so granted such warrant for anything which may have been done under the same by reason of any defect in such conviction or order.

Court may set
aside proceed-
ings in action.

XIV. In all cases where by this Act it is enacted that no action shall be brought under particular circumstances, if any such action is brought, it shall be lawful for the Supreme Court upon the application of the defendant, and upon an affidavit of facts, to set aside the proceedings in such action, with or without costs.

Action cannot be
commenced after
three months.

XV. No action shall be brought against any Magistrate for anything done or left undone by him in the execution of his office, unless the same be commenced within three calendar months next after the act complained of has been committed.

Magistrate en-
titled to one
month's notice of
intended action.

And no action shall be commenced against any such Magistrate for anything done or left undone as aforesaid until one calendar month at least after a notice in writing of such intended action shall have been delivered to him, or left for him at his usual place of abode, by the party intending to commence such action or by his attorney, in which notice the cause of action shall be clearly and explicitly stated, and upon the back thereof shall be endorsed the name and place of abode of the party so intended to sue, and also the name and place of abode or of business of the said Attorney if such notice has been served by such Attorney.

Defendant may
plead general
issue, &c.

XVI. In every such action as aforesaid, the defendant shall be allowed to plead the general issue therein, and to give any special matter of defence, excuse or justification in evidence under such plea at the trial of such action.

Magistrate may
tender amends.

XVII. In every such case as aforesaid, after notice of action is given as aforesaid, and before such action as aforesaid is commenced, such Magistrate to whom such notice is given may tender to the party complaining, or to his attorney, such sum of money as he may think fit as amends for the injury complained of in such notice: and after such action shall have been commenced, and at any time before issue joined therein, such defendant, if he have not made such tender, or in addition to such tender, shall be at liberty to pay into Court such sum of money as he may think fit, which said tender and payment of money into Court, or either of them, may afterwards be given in evidence by the defendant at the trial under the general issue aforesaid; and if the jury at the trial shall be of opinion that the plaintiff is not entitled to damages beyond the sum so tendered or paid into Court, then they shall give a verdict for the defendant, and the plaintiff shall not be at liberty to elect to be non-suit, and the sum of money, if any, so paid into Court, or so much

thereof as is sufficient to pay or satisfy the defendant's costs in that behalf, shall thereupon be paid out of Court to him, and the residue, if any, shall be paid to the plaintiff, or if, where money is so paid into Court in any such action the plaintiff elects to accept the same in satisfaction of his damages in the said action he may obtain from the Court in which such action is brought an order that such money shall be paid out of Court to him, and that the defendant shall pay him his costs to be taxed, and thereupon the said action shall be determined, and such order shall be a bar to any other action for the same cause.

XVIII. If at the trial of any such action as aforesaid, the plaintiff fails to prove that such action was brought within the time hereinbefore limited in that behalf, or that such notice as aforesaid was given one calendar month before such action was commenced, or if he fails to prove the cause of action stated in such notice then, and in every such case such plaintiff shall be nonsuit, or the jury shall give a verdict for the defendant. When plaintiff shall be nonsuit.

XIX. In all cases where the plaintiff in any such action as aforesaid is entitled to recover, and proves the levying or payment of any penalty or sum of money under any conviction or order as parcel of the damages he seeks to recover, or if he proves that he was imprisoned under such conviction or order, and seeks to recover damages for any such imprisonment, he shall not be entitled to recover the amount of such penalty or sum so levied or paid, or any sum beyond the sum of twopence as damages for such imprisonment, or any costs of suit whatsoever if it is proved that he was actually guilty of the offence of which he was convicted, or that he was liable by law to pay the sum he was so ordered to pay, and (with respect to such imprisonment) that he had undergone no greater punishment than that assigned by law for the offence of which he was so convicted, or for non-payment of the sum he was so ordered to pay. Damages.

XX. If the plaintiff in any such action as aforesaid recovers a verdict or the defendant allows judgment to pass against him by default, such plaintiff shall be entitled to costs, in such manner as if this Act had not been passed; or if in such case it be stated in the declaration or claim that the act complained of was done maliciously and without reasonable or probable cause, the plaintiff, if he recover a verdict for any damages, or if the defendant allow judgment to pass against him by default, shall be entitled to his full costs of suit, and in every action against a Magistrate for anything done by him in the execution of his office, the defendant, if he obtain judgment upon verdict or otherwise, shall in all cases be entitled to his full costs in that behalf, to be taxed as between attorney and client. Costs.

PART II.

PRELIMINARY.

XXI. In all cases where a charge or complaint is made before a Magistrate— When Magistrate may issue his summons.

- (i.) That any person has committed or is suspected of having committed an indictable offence within the limits of the jurisdiction of such Magistrate, or that any person guilty or suspected to be guilty of having committed such offence, as aforesaid, out of the jurisdiction of such Magistrate, is to be found, or likely to be found, within the limits of the same :
- (ii.) That any person, being within the jurisdiction of such Magistrate, has committed, or is suspected of having committed, any offence punishable on summary conviction :
- (iii.) That any person, being within such jurisdiction as aforesaid, has done any act or omitted to do any act for which com-

mission or omission as aforesaid he is liable to have an order made against him by such Magistrate for the payment of any fine or for the doing or the abstaining from doing any act :

(iv.) That any person within such jurisdiction as aforesaid is likely to commit a breach of the peace :

the Magistrate may issue his summons directed to such person requiring him to appear before the Magistrate's Court at the time to be therein mentioned to answer the said charge or complaint, and to be further dealt with according to law.

How complaint to be laid.

XXII. The charge shall (subject as hereinafter mentioned) be laid on complaint, and the complaint made in the discretion of the Magistrate be reduced into writing.

To be of one matter only at a time.

XXIII. Every complaint shall be for one matter only, and not for two or more matters. But it shall be lawful for the complainant to lay one or more complaints against the same person at the same time. And the Magistrate hearing the complaint may, where he considers it necessary, deal with such complaints either together or separately.

Complaint may be made by counsel or attorney.

XXIV. Every complaint may be laid or made by the complainant in person or by his Counsel or Attorney.

Magistrate has discretion to refuse summons.

XXV. Nothing hereinbefore contained shall oblige any Magistrate to issue any such summons, and if the Magistrate in his discretion refuses to issue a summons, the person applying for the same may require the Magistrate to give him a written certificate of refusal, and may apply to the Supreme Court for an order directing the Magistrate to issue the summons sought for, or such summons as the Court shall direct.

Remedy on refusal.

How summons is to be served.

XXVI. Every summons shall be served by a Peace Officer upon the person to whom it is directed by delivering it to him personally, or, if he cannot be conveniently found, by leaving it with some adult inmate at his last or most usual place of abode.

How service is to be proved.

XXVII. The person who serves the summons shall attend before the Magistrate at the time and place mentioned therein to depose, if necessary, to the service thereof.

If the person summoned does not appear, warrant may issue.

XXVIII. If the person served with the summons does not appear at the time and place mentioned in the summons, and it be made to appear to the Magistrate on oath that the summons was duly served within a reasonable time before the time for his appearance, as aforesaid, the Magistrate, after taking such evidence on oath to substantiate the matter of the complaint as he shall consider necessary, may issue his warrant to apprehend the person so summoned as aforesaid, and to bring him before a Magistrate to answer to the said complaint and be further dealt with according to law.

When a warrant may issue in the first instance.

XXIX. In all cases where a charge is made in respect of an indictable offence, or an offence punishable on summary conviction, the Magistrate, if he thinks it expedient that a warrant be issued in the first instance, may take an information and require such evidence in that behalf as he considers necessary to substantiate the matter of the information, and may issue his warrant in the first instance to apprehend such person as aforesaid, and to cause him to be brought before him, or any other Magistrate, to answer the charge and to be dealt with according to law. And the Magistrate may issue such warrant as aforesaid, notwithstanding that a summons in respect of the matter charged has been issued at any time before the time of appearance in such summons mentioned.

As to warrant when offence is committed on the high seas and beyond sea.

XXX. In all cases of indictable offences committed on the high seas, or in any creek, harbour, or other place in which the Admiralty of England have or claim to have jurisdiction, and in all cases of offences committed on land beyond the seas, for which an information may be filed at the

Sessions or the offender may be arrested in the Colony the Magistrate may, on information laid, as in the preceding section mentioned, issue his warrant to apprehend such person to be dealt with as herein and hereby directed.

XXXI. Every warrant issued by a Magistrate to apprehend any person may be issued at any time or on any day, and shall be under the hand and seal of the Magistrate; and may be directed to the Peace Officer in charge of the place in which the act complained of has been committed, and to all Peace Officers of the Colony; and it shall state shortly the act complained of, and shall name or otherwise describe the person to be apprehended, and it shall order the person or persons to whom it is directed to apprehend the person so named or described as aforesaid, and bring him before the Magistrate issuing the warrant or before some other Magistrate of the Colony to answer the charge made and to be further dealt with according to law.

As to form of
warrant.

XXXII. The Magistrate may at the same or any subsequent time issue one or more duplicate warrants; and the Commandant of Police may issue any certified copy of any warrant received by him: And every duplicate warrant and certified copy as aforesaid shall be deemed to be of the same force and effect as the original. It shall not be necessary to make the warrant returnable at any particular time, but the same may remain in force until executed. And it may be executed by any Peace Officer in any part of the Colony without being backed by any other magistrate in any other district or place.

Alias warrant,
when and where
warrant may be
executed.

XXXIII. Where any person has been arrested in any district other than the one in which the warrant was issued the person apprehending him shall take him before the Magistrate of the district in which he was arrested, and such Magistrate may either take the evidence of the prosecutor and the witnesses and proceed as provided in sections 54, 55, and 56 of this Act, or he may direct that the person so arrested as aforesaid be taken before the Magistrate of the district in which the warrant was issued.

Proceedings on
arrest out of the
district.

XXXIV. When a person has been apprehended under a warrant in the district in which such warrant is issued he shall be brought before the Magistrate so issuing the warrant, who shall thereupon either by his warrant commit him to prison or verbally to the custody of the officer apprehending him, or to such other safe custody as he thinks fit, and may order him to be brought up at a certain time and place before him, and shall give notice of such order to the person laying the information or complaint, but no committal under this section shall exceed one week.

Proceedings on
arrest in the
district.

XXXV. A person taken into custody for any offence without a warrant shall be brought before a Magistrate as soon as practicable after he is so taken into custody, and if it is not practicable to bring him before a Magistrate within twenty-four hours after he has been so taken into custody any Peace Officer in charge of any police station shall enquire into the case, and, except where the offence appears to him to be of a serious nature, shall discharge the prisoner upon his entering into a recognisance with or without sureties for a reasonable amount to appear before some Magistrate at the time and place mentioned in the recognisance.

Proceedings on
arrest without
warrant.

XXXVI. Where a Magistrate is satisfied on evidence upon oath that there is reasonable cause to believe that any property whatsoever on or with respect to which any offence has been committed is in any place or places he may grant a warrant directed to any Peace Officer to enter and search such place or places, by force if necessary, and at any time of the day or night. And if such property or any part thereof be there found, to bring the same and the person or persons in whose possession such place or places then may be, or any person in any such

Search warrant.

Warrant not to lapse on death or removal of Magistrate.

Any Magistrate other than the one hearing the case may act.

Court House not to be an open court.

Preliminary inquiry where case not triable summarily.

When a child may be tried summarily.

When a young person may be tried summarily.

Power to remand in order to secure the presence of parent or guardian.

Where an adult may be tried summarily.

place being reasonably suspected of being privy to such property being therein before the Magistrate issuing the warrant or some other Magistrate of the same district.

XXXVII. A warrant or summons issued by a Magistrate shall not be avoided by reason of the Magistrate who signed the same dying or ceasing to hold office.

XXXVIII. It shall not be necessary that the Magistrate who acts before or after the hearing of a case should be the Magistrate by whom case is or was heard and determined.

PART III.

PRELIMINARY INQUIRIES.

XXXIX. The room or place in which a Magistrate holds a preliminary inquiry shall not be deemed an open court for that purpose. And it shall be lawful for the Magistrate, in his discretion, to order that no person shall have access to, or be or remain in, such room or place, the Counsel or Attorney of any person then being in Court as a prisoner only excepted, without the consent of the Magistrate, if it appears to him that the ends of justice will be best answered by so doing.

XL. Whenever any charge has been brought against any person of an offence not triable summarily a preliminary inquiry shall be held as hereinafter provided.

XLI. Where a child is charged with any indictable offence other than homicide the Magistrate may at any time during the hearing of the case cause the charge to be reduced into writing and read to the parent or guardian of the child, and he shall then question such parent or guardian to the following effect :—

“Do you desire the child to be tried at the Sessions, or do you wish the case to be dealt with summarily?”
and shall add a statement, if necessary, to such parent or guardian of the meaning of the case being dealt with summarily and of being tried at the Sessions. And if such parent or guardian as aforesaid does not object to the child being dealt with summarily the Magistrate may deal summarily with the offence as hereinafter provided.

XLII. Where a young person is charged with any indictable offence set forth in the first column of the first Schedule of this Act the Magistrate may, at any time during the hearing of the case, proceed as in the last preceding section mentioned, and if such young person or his parent or guardian does not object to his being dealt with summarily the Magistrate may deal summarily with the offence as hereinafter provided.

XLIII. Where the parent or guardian of such child or young person as aforesaid is not present when the charge is being heard by the Magistrate, the Magistrate may remand such child or young person as aforesaid for the purpose of causing notice to be served on such parent or guardian, with a view as far as practicable of securing his attendance at the hearing of the charge, or the Magistrate may deal with the case summarily.

XLIV. Where an adult is charged with an indictable offence set forth in the second column of the first Schedule of this Act, the Magistrate, at any time during the hearing of the case, may, having regard to all the circumstances of the case, cause the charge to be reduced into writing and read to the person charged, and he shall then question him to the following effect :—

“Do you desire to be tried at the Sessions, or do you wish the case to be dealt with summarily?”
and shall add a statement, if necessary, of the meaning of the case being dealt with summarily and of being tried at the Sessions, and if he does

not object to be tried summarily the Magistrate may deal summarily with the case as hereinafter provided.

XLV. Where an adult is charged with an indictable offence set forth in the first column of the first Schedule of this Act, and the Magistrate at any time during the hearing of the case becomes satisfied that the evidence is sufficient to put the person so charged on his trial, and also satisfied that the case, having regard to all the circumstances, is one which may be properly dealt with and adequately punished under this Act, he may cause the charge to be reduced into writing and read to the person charged, and shall then explain to such person as aforesaid that he is not obliged to plead or answer, and that if he pleads guilty he will be dealt with summarily, and that if he pleads not guilty he will be dealt with in the usual course, and shall, if necessary, add a statement of the meaning of the case being dealt with summarily and in the usual course, and shall further explain to him that he is not obliged to say anything unless he desires to do so, but that whatever he says will be taken down in writing and may be given against him in evidence upon his trial, and shall give him clearly to understand that he has nothing to hope from any promise of favour, and nothing to fear from any threat which may have been held out to him to induce him to make any admission or confession of his guilt, but that whatever he then says may be given in evidence against him upon his trial, notwithstanding such promise or threat, and shall then ask him whether he is guilty or not of the charge, and if he says that he is guilty the Magistrate shall thereupon deal with him summarily as hereinafter provided. And if he says that he is not guilty the Magistrate shall proceed as herein provided for the procedure at a preliminary inquiry.

When an adult pleading guilty may be dealt with summarily.

XLVI. Where an adult is charged with an indictable offence as in the last preceding section mentioned, and it is shown to the Magistrate that by reason of a previous conviction the person so charged is liable to be tried on information at the Sessions, the Magistrate shall not deal summarily with the case.

When a case may not be dealt with summarily.

XLVII. Where a person is charged with an indictable offence with which the Magistrate may have power to deal summarily, the Magistrate may for the purpose of ascertaining whether it is expedient to deal with the case summarily, either before or during the hearing of the case, from time to time adjourn the case and remand the person accused for any period not exceeding eight days.

Power to remand in order to ascertain if case should be dealt with summarily.

XLVIII. When the accused appears or is brought before the Magistrate, the Magistrate, except where otherwise in this Act provided, shall take the evidence of the witnesses called in support of the charge offered on the part of the prosecution.

Evidence to be taken on oath.

The evidence of every witness shall be given upon oath in the presence of the accused, and he or his Counsel or Attorney shall be entitled to cross-examine such witness upon all facts relevant to the charge, but not, except with leave of the Court, upon matters relevant only as affecting his credit.

Witnesses to be examined in presence of accused, who may cross-examine.

XLIX. As the evidence is given the material part of it shall be taken down in writing in narrative form and, if the Magistrate deems it expedient, in the form of question and answer. The evidence shall then be read over to the witness and signed by him and by the Magistrate, and such evidence so taken and signed as aforesaid shall be deemed to be a deposition.

Depositions.

L. When the examination of all the witnesses for the prosecution is completed the Magistrate may either dismiss the charge and, if the accused is in custody, make an order for his release, or he may call upon the accused for his defence as hereinafter provided.

Magistrate to dismiss the charge or call on accused for his defence.

LI. If the Magistrate shall not dismiss the charge he shall say to the accused these words or words to the like effect, "Having heard the

Mode of calling on accused for his defence.

evidence do you wish to say anything in answer to the charge? You are not obliged to do so unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence against you upon your trial. And I give you clearly to understand that you have nothing to hope from any promise of favour and nothing to fear from any threat that may have been held out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence on your trial notwithstanding such promise or threat"; and whatever the prisoner then says in answer thereto shall be taken down in writing and read over to him, and shall be signed by the Magistrate and kept with the depositions of the witnesses and shall be transmitted with them as hereinafter mentioned. Provided always, that nothing herein contained shall prevent any prosecutor from giving in evidence any admission or confession or other statement made at any time by the person accused which by law would be admissible in evidence against him.

Statement of accused to be taken down.

Proviso.

Accused may show cause and call witnesses.

Magistrate to dismiss the charge or to commit for trial.

Proviso.

When accused is brought up in another district, Magistrate may hear and dismiss the charge,

or may commit for trial,

or may send accused to district in which the offence was committed,

together with depositions.

LII. The accused or his Counsel or Attorney may then show cause why the Magistrate should not commit him for trial, and may call witnesses in his defence, and their evidence shall be taken in the same manner and form as that of the witnesses for the prosecution, and if duly taken, read over, and signed, shall be deemed to be depositions.

LIII. When the accused has been heard and his witnesses (if any) examined, the Magistrate shall either dismiss the charge, and, if the accused be in custody, make an order for his release, or shall commit him for trial at the Sessions which shall next be held after such committal as aforesaid, unless the Sessions are then being held when he shall commit him to such Sessions. Provided always, that if in the opinion of the Magistrate it would not be practicable for the case to be tried at either of such Sessions as aforesaid, it shall be lawful for him to commit the accused to the Sessions next following either of such Sessions as aforesaid.

LIV. Where a person appears or is brought before a Magistrate charged with an offence alleged to have been committed in any district other than that in which such Magistrate has jurisdiction, the Magistrate may examine the witnesses and receive such evidence in proof of the charge as may be produced before him within his jurisdiction, and if it be made to appear to him that there is no further evidence, forthcoming against the accused, and he considers that the evidence given is not sufficient to put the accused upon his trial, he may dismiss the charge, and if the accused is in custody order him to be released.

LV. If he considers the evidence given to be sufficient to put the accused upon his trial he shall commit him for trial and otherwise deal with him as though the offence with which he is charged had been committed in the district in which such Magistrate as aforesaid has jurisdiction.

LVI. If the Magistrate does not consider the evidence to be sufficient to put the accused upon his trial, but it is made to appear to the Magistrate that there is further evidence forthcoming in the District in which the offence charged is alleged to have been committed, he shall bind over by recognisance the witnesses whom he has examined to give evidence before the Sessions, and (unless he shall admit the accused to bail) shall by warrant order him to be taken before a Magistrate having jurisdiction in the District in which such offence is alleged to have been committed, and shall at the same time deliver the information or complaint, depositions and recognisances taken by him to the Peace Officer who has the execution of such warrant as aforesaid, to be by him delivered to the Magistrate before whom he takes the accused in obedience to the warrant, and the depositions and recognisances shall be deemed to be taken in the case and be treated to all intents and pur-

poses as if they had been taken by or before the last-mentioned Magistrate.

LVII. The Magistrate before whom the accused appears in pursuance of his recognisances or is taken by warrant as in the last preceding section mentioned shall make further inquiry into the case, and may deal with it as though it had been originally commenced before him, and if he eventually discharges the accused then the recognisances taken by the Magistrate first mentioned in the last preceding section shall be void.

LVIII. The Peace Officer conveying the accused under warrant as in section 56 mentioned shall on producing him, together with all the documents relating to the charge as aforesaid before the Magistrate, to whom the warrant aforesaid is directed, be entitled to be paid his costs and expenses of conveying the accused before such Magistrate. And the Magistrate upon being satisfied by the oath of such Peace Officer that the signature of the warrant is that of the Magistrate subscribing the same shall furnish such Peace Officer with a Certificate of his having received from him the body of the accused, together with the warrant and all documents relating to the charge, and of the Police Officer having duly given proof of the signature to the warrant as aforesaid.

LIX. It shall be lawful for any Magistrate upon committing any accused person for trial to bind by recognisance as hereinafter prescribed the prosecutor and all witnesses giving evidence to appear at the Sessions before which the accused person is to be tried, then and there to prosecute or to prosecute and give evidence or to give evidence as the case may be. And the Magistrate, except where in this Act it is otherwise provided, shall cause the several recognisances so taken, together with the information (if any), the depositions, the statement of the accused, and the recognisance of bail (if any) to be forthwith delivered or forwarded to the Attorney-General. Provided always, that if any witness refuses to enter into or acknowledge such recognisance as aforesaid it shall be lawful for the Magistrate by this warrant to commit him to the prison of Nassau, there to be safely kept until after the trial of such accused person as aforesaid, unless in the meantime such witness duly enters into such recognisance before a Magistrate.

LX. It shall be lawful for the Attorney-General if he considers that any witness bound over by a Magistrate in any out-island is unable to depose to anything material to the issue to cancel the recognisances entered into by or on behalf of such witness, and to notify the committing Magistrate that the presence of such witness is not required at the Sessions at which he is bound to appear, and the Magistrate shall thereupon inform such witness of the same.

LXI. Where a Magistrate has bound over the witnesses whom he has examined as in section 56 mentioned, and admits the accused to bail, he shall bind him over by recognisances as hereinafter prescribed to appear before a Magistrate having jurisdiction in the district in which the offence charged is alleged to have been committed on such a day as he may direct in such recognisances, and shall forthwith cause the information or complaint, the depositions and all recognisances to be forthwith transmitted to the Magistrate having jurisdiction in such other district as aforesaid.

LXII. When the Magistrate has committed the accused person for trial he shall, unless he admits such person to bail as hereinafter provided, commit him by his warrant to the prison at Nassau to be there safely kept until delivered in due course of law.

LXIII. The peace officer or any other person to whom any warrant of commitment is directed shall convey the accused person therein named or described to the prison therein mentioned, and there deliver him together with the warrant to the keeper of such prison, who shall

Magistrate of such district to deal with the case as if originally commenced before him.

Peace officer on delivery of prisoner to Magistrate entitled to his expenses.

Magistrate to give peace officer a certificate.

Prosecutor and witnesses to be bound over to appear at trial of accused.

All recognisances, depositions, &c., to be transmitted to the Attorney-General.

Powers of Attorney-General if immaterial witness is bound over.

When accused is to be conveyed before a Magistrate in another district he may be admitted to bail.

All depositions and recognisances to be transmitted to the Magistrate of such other district.

Accused on commitment to be committed to prison, unless bailed.

Peace officer to convey him to prison, and deliver him to gaoler.

Goalers to give a receipt for the prisoner.

Magistrate may not admit to bail for certain felonies.

May admit to bail for misdemeanor and certain cases of felony.

Magistrate may admit to bail for misdemeanor at any time.

When Magistrate may admit to bail on adjournment of hearing.

Warrant of deliverance.

Person bailed to enter into recognisances for his reappearance.

Court may order accused to be admitted to bail.

Notice of application to Court to be given to committing Magistrate or Coroner, who shall for-

thereupon give to such peace officer or other person as aforesaid a receipt for the prisoner, setting forth the state and condition of the prisoner when delivered into his custody.

LXIV. No Magistrate shall admit any person to bail who is charged with treason or felony punishable with death, or who is charged with any other felony where the evidence is such as, in the opinion of the Magistrate, to raise a strong presumption of guilt, except by order of the Supreme Court.

LXV. Where the Magistrate has committed any person for trial on a charge of misdemeanor, or on a charge of felony where the evidence is not such as in the opinion of the Magistrate, to raise a strong presumption of guilt, he may admit the accused to bail as hereinafter provided.

LXVI. In cases mentioned in the last preceding section the Magistrate, at any time before the first day of the sitting of the Court at which the accused is to be tried, may admit him to bail as hereinafter provided, or, if he does not admit him to bail, certify on the back of the warrant of committal the amount of bail to be required, in which case any other Magistrate may admit the accused to bail in such amount at any time before such first sitting of the Court as aforesaid, and shall forthwith forward all recognisances entered into to the Attorney-General.

LXVII. Where any person appears or is brought before a Magistrate charged with an offence other than treason or felony punishable with death, and it becomes necessary to adjourn the inquiry and to remand the accused, or to complete the inquiry before a Magistrate in some other district, then in the case of a charge of misdemeanor and in the case of a charge of felony, where the Magistrate shall not consider the evidence given to be sufficient to put the accused upon his trial, or to raise a strong presumption of guilt, the Magistrate may admit the accused to bail as hereinafter prescribed until such time as the inquiry shall be resumed.

LXVIII. In all cases where the Magistrate admits to bail any person charged with the offence for which he is so admitted to bail he shall cause to be lodged with the keeper of the prison in which such accused person is detained a warrant of deliverance under his hand and seal requiring such keeper to discharge the person so admitted to bail if he be not detained for any other offence, and upon such warrant being lodged with the keeper as aforesaid he shall forthwith obey the same.

LXIX. Every accused person before being admitted to bail shall enter into recognisances as hereinafter prescribed, either with or without a surety or sureties at the discretion of the Magistrate before whom they are taken, conditional for his appearance at the time and place mentioned in such recognisance.

LXX. In all cases of felony or misdemeanor where an accused person has been committed for trial and is in custody, as hereinbefore provided, or as provided by any Act in force in the Colony relating to the duties of Coroners, the Supreme Court may on application made to it for that purpose and on notice to the Attorney-General, or in his absence to the officer for the time being, in charge of the Police in New Providence, order such accused person to be admitted to bail on entering into recognisances with sufficient sureties before a Magistrate in such amount as the Court shall direct, and thereupon the Magistrate shall admit him to bail and issue a warrant of deliverance, and shall attach thereto a copy of the order directing the admission of such person to bail.

LXXI. When any person has been committed for trial by any Magistrate or Coroner and is in custody, the prisoner, his Counsel or Attorney may notify to the committing Magistrate or Coroner that he will so soon as Counsel can be heard move the Supreme Court to admit

the prisoner to bail. Whereupon such committing Magistrate, or Coroner, if the same are in his possession, shall with all convenient speed transmit to the Attorney-General all informations and evidence touching the offence with which the prisoner has been charged, together with a copy of the Warrant of Commitment and inquest (if any) and the Attorney-General shall lodge all the documents aforesaid with the Registrar of the Supreme Court for the purposes of the motion.

ward copy of the information and evidence to the Attorney-General.

LXXII. At any time after all the witnesses have been examined and before the first sitting of the Court to which the accused is committed for trial, the accused may require and shall be entitled to have from the officer having the custody of the same copies of the depositions on which he has been committed on payment of a reasonable sum for the same, not exceeding the rate of twopence for each folio of 72 words.

Accused entitled to a copy of the depositions on payment.

PART IV.

SUMMARY JURISDICTION (CRIMINAL).

LXXIII. The room or place in which the Magistrate sits shall be deemed an open Court.

Court house to be an open Court.

LXXIV. The person making the complaint and the person charged may conduct their own case or may appear by Counsel or Attorney.

Either party may appear in person or by counsel.

LXXV. In all cases where no time is specially limited for making any complaint in the Act or law relating to the particular case, such complaint shall be made within six months from the time when the matter of the complaint arose.

Limitation six months, unless otherwise provided.

LXXVI. If at the time and place of hearing mentioned in a summons the defendant does not appear, and it be proved on oath that the summons was duly served on him a reasonable time before the time appointed for his appearance, and if the Magistrate does not think it expedient to issue his warrant for the apprehension of such person, the Magistrate may proceed *ex parte* to adjudicate on the case as fully as if the defendant had duly appeared.

If defendant does not appear Magistrate may proceed *ex parte*.

LXXVII. If at the time and place appointed the defendant appears or is brought before the Magistrate, and the person making the complaint having had due notice does not appear, the Magistrate shall dismiss the complaint unless he thinks proper to adjourn the hearing till some other day.

If complainant does not appear, Magistrate may dismiss or adjourn.

LXXVIII. If at the time and place appointed neither party appears, the Magistrate may dismiss or adjourn the case as to him shall seem fit.

If neither party appears, Magistrate may dismiss or adjourn.

LXXIX. If at the time and place appointed for any adjourned hearing either or both parties do not appear, the Magistrate may then and there proceed as if the party or parties were present.

If on adjourned hearing either party does not appear Magistrate may proceed.

LXXX. If both parties appear the Magistrate shall cause the substance of the complaint to be stated to the defendant, and shall ask him if he has any cause to show why he should not be convicted.

If both parties appear case to proceed.

LXXXI. If the defendant admits the truth of the complaint, and if he shows no cause as aforesaid, the Magistrate shall convict him.

If defendant pleads guilty Magistrate to convict him.

LXXXII. If he does not admit the truth of the complaint the Magistrate shall hear the complainant and such evidence as he may adduce, and shall also hear the defendant and such evidence as he shall adduce in his defence, and also such evidence as shall be tendered in reply if the defendant has given any evidence other than as to his character.

If defendant pleads not guilty Magistrate to hear evidence of both parties.

And it shall be lawful in all cases for the defendant to tender himself and his wife as a witness.

Defendant and his wife may give evidence.

The complainant shall not be entitled to make any observations in reply upon the evidence given by the defendant, nor the defendant upon the evidence given in reply by complainant. But this shall not

Neither party to have right of reply on the other.

preclude Counsel on either side from addressing the Court on the whole case.

Magistrate then to determine the case.

LXXXIII. The Magistrate shall then consider the whole matter and determine the same, and shall either dismiss the complaint or convict the defendant.

If he dismisses the case defendant entitled to certificate of dismissal.

LXXXIV. If he dismisses the case upon the merits he shall, when requested to do so, make an order of dismissal and give the defendant a certificate thereof, which shall without further proof be a bar to any subsequent charge for the same matter against the same party.

If he convicts, conviction to be drawn up.

LXXXV. If he convicts the defendant, a minute or memorandum thereof shall be then made, and the conviction shall afterwards be drawn up by the Magistrate in proper form under his hand and seal.

Magistrate may award costs to prosecutor,

LXXXVI. In all cases of summary conviction the Magistrate may, in his discretion, award and order that the defendant shall pay to the complainant such costs as to the Magistrate shall seem reasonable, not exceeding forty shillings.

or to the defendant.

LXXXVII. In all cases where the Magistrate dismisses the complaint he may, in his discretion, award and order that the complainant shall pay to the defendant such costs as to the Magistrate may seem reasonable, not exceeding forty shillings.

Costs recoverable with the fine.

LXXXVIII. The sums so allowed for costs shall in all cases be specified in the conviction or order of dismissal, and the same shall be recoverable in the same manner and by the same warrants as any fine adjudged to be paid by the conviction is to be recovered, and where there is no fine to be recovered such costs shall be recoverable by distress as hereinafter provided, and in default of distress, by imprisonment with or without hard labour for any time not exceeding one month, unless such costs are sooner paid.

If no fine imposed then by distress.

Defendant's costs recoverable by distress.

LXXXIX. Where any charge is dismissed with costs, the sum awarded for costs in the order of dismissal may be recovered by distress in the same manner as costs may be recovered under the last preceding section where no fine is adjudged.

No costs if fine does not exceed 5s.

XC. Where a fine adjudged by a conviction to be paid does not exceed 5s., then except so far as the Magistrate may think fit to expressly order otherwise, an order shall not be made for payment by the defendant to the prosecutor of any costs; and the Magistrate, if he thinks fit, may direct all fees payable or paid by the complainant to be remitted or repaid to him, and he may also order the fine or any part thereof to be paid to him or towards the payment of his costs.

Powers of Magistrate when the offence is of a trifling nature.

XCI. If upon hearing a charge for an offence punishable summarily the Magistrate thinks that, although the charge is proved, the particular offence committed was of such a nature that it is inexpedient to inflict any punishment or any other than a nominal punishment—

- (1.) He may dismiss the charge without proceeding to conviction, and may order the person charged to pay such damages not exceeding forty shillings, and such costs not exceeding forty shillings, or either of them, as he shall think reasonable; or
- (2.) He may convict the accused and discharge him conditionally on his giving security, with or without sureties, to appear for sentence when called upon, or to be of good behaviour and either without payment of damages and costs as aforesaid, or subject to the payment of such damages and costs or either of them.

Except where an adult is convicted on pleading guilty to an indictable offence.

Provided always, that this section shall not apply to an adult convicted on his own confession of an offence of which he could not, if he had not pleaded guilty, be convicted summarily.

Magistrate may order imprisonment without hard labour and reduce the term.

XCII. In all cases where a Magistrate has jurisdiction to inflict imprisonment, he may order the imprisonment to be without hard labour, and reduce the prescribed period thereof or do either of such acts:

And where he has jurisdiction to impose a fine, if it be in respect of a first offence, he may reduce the prescribed amount thereof ;

May reduce the prescribed fine.

And where he is authorised to inflict imprisonment and has not the option of imposing a fine he may impose a fine not exceeding £25, provided that the amount of the fine so inflicted will not subject the offender, in default of payment, to any greater term of imprisonment than that to which he would have been otherwise liable ;

May impose fine though no option is given by the Act contravened.

And where in case either of fine or imprisonment there is prescribed a requirement for the offender to enter into recognisances, and to find sureties for keeping the peace and observing some other condition or to do any of such things, the Magistrate may dispense with any such requirement or any part thereof ;

May dispense with recognisances to keep the peace.

Provided always, that this section shall not apply to any proceedings taken under any Act relating to Her Majesty's regular or auxiliary forces ;

Proviso.

Provided also, that this section shall not authorise a Magistrate to reduce the amount of a fine where the Act prescribing such amount carries into effect a treaty, convention, or agreement with a foreign state, and such treaty, convention, or agreement stipulates for a fine of a minimum amount.

Proviso.

XCIII. Where a Magistrate convicts a person and orders him to be imprisoned without the option of a fine, he shall, by his warrant, commit him to prison, there to be imprisoned or imprisoned and kept to hard labour (as the case may be) for the period mentioned in the warrant.

Where Magistrate awards imprisonment without option of a fine he shall commit prisoner to gaol.

XCIV. A Magistrate shall not by cumulative sentences of imprisonment (other than for default of finding sureties) to take effect in succession in respect of several assaults committed on the same occasion, inflict on any person imprisonment for the whole exceeding six months.

Cumulative sentence not to exceed six months in all.

XCV. Where a Magistrate adjudges the defendant to be imprisoned, and the defendant is then undergoing imprisonment upon conviction for any other offence, the warrant of commitment for the subsequent offence shall be forthwith delivered to the officer to whom it is directed, and the Magistrate issuing it may, if he think fit, award and order therein that the imprisonment for the subsequent offence shall commence at the expiration of the period of imprisonment to which the prisoner was previously sentenced.

Where convict is already undergoing imprisonment,

XCVI. No child or young person convicted under the provisions of this Act, or any other Act, shall be liable to be imprisoned, but shall be liable to pay a fine not exceeding £5.

A child or young person may not be imprisoned or fined more than £5.

And where a child or young person is ordered to pay a fine, the process for enforcing payment thereof shall be by warrant of distress to levy on and sell the goods of the parent or guardian of such child or young person.

Distress shall issue against parent or guardian.

Provided that such parent or guardian shall have a right to be heard before such warrant issues.*

XCVII. Repealed by 62 Vic. c. 29.

XCVIII. Where a child or young person is convicted summarily under this or any other Act, the Magistrate may send such child or young person to a Statutory Training School, if provision for the same has been made in the Colony. Provided, however, that a child or young person shall not be sent to such Training School for a first offence without the consent of the parent or guardian.*

Magistrate may send child or young person to Statutory Training School.

XCIX. Where a child or young person is convicted summarily under this or any other Act, the Magistrate, if he thinks it inexpedient to in-

* Amended by 62 Vic. c. 29, *post*, No. 8 of this Class.

or discharge him,
or order
whipping. i

Corporal punish-
ment not to be
inflicted except
as provided.

Power to Judge
to inflict same
punishment as
Magistrate could
on child or
young person.

Whipping.

Proviso.

Where fine
imposed Magis-
trate may issue
warrant of
distress within
district.

Where no suffi-
cient distress in
the district
warrant may be
endorsed and
executed in
another district.

Execution to
cease on payment
of amount
leviable.

When distress
warrant issued
Magistrate may
suffer defendant
to go at large
or detain him
unless defendant
gives security for
his re-appear-
ance.

Where return is
nulla bona
Magistrate may
commit the
defendant.

inflict any punishment, may discharge the accused, or if the accused be a male, he may, in addition to or instead of any other punishment which he is empowered to inflict, order him to be privately whipped by and in the presence of such persons as the Magistrate may approve, and in the presence, if he desires to be present, of the parent or guardian of the child or young person, and no corporal punishment shall be inflicted on any child or young person except as provided by this Act, or any Act in force relating to the discipline of persons detained in a lawful prison or in a Statutory Training School.

Provided always, that if any child or young person is convicted at the Sessions of any offence other than homicide, it shall be lawful for the Judge to inflict on such child or young person any punishment which a Magistrate might have inflicted on him if he had been dealt with under this Act, in lieu of or in addition to any punishment awarded by any other law, and the payment of any fine so inflicted at the sessions shall be enforced in the same manner as it may be enforced under this Act.

C. When whipping is ordered such whipping shall be inflicted with a rod made of tamarind twigs, and may be inflicted either at one time or by instalments.

Provided always, that in the case of a child no more than 12 strokes, and, in the case of a young person, no more than 20 strokes shall be ordered.

CI. Where a conviction adjudges a fine to be paid, and the amount so adjudged is not paid forthwith, the Magistrate may issue his warrant of distress to be executed in the district for the levying of the same, and such warrant shall be in writing under the hand and seal of the Magistrate.

CII. If after the delivery of the warrant of distress to the Peace Officer, to whom the same is directed, sufficient distress cannot be found within the district in which such warrant was granted, then on proof being made upon oath of the handwriting of the Magistrate granting the warrant before any Magistrate of any other district, such Magistrate shall make an endorsement on the warrant signed with his hand authorising the execution of the warrant within such last-mentioned district. And by virtue of such warrant and endorsement the fine, or so much thereof as may not have been before levied or paid, shall be levied by any Peace Officer of such last-mentioned district by distress and sale of the goods of the defendant.

CIII. In all cases where a warrant of distress has issued against any person, and such person pays or tenders to the officer having the execution of the same, the sum or sums in the warrant mentioned, together with the amount of the expenses of the distress up to the time of payment or tender, the officer shall cease to execute the same.

CIV. In all cases where a Magistrate issues a warrant of distress, he may suffer the defendant to go at large, or by a written warrant in that behalf, may order him to be kept in safe custody until return has been made to the warrant of distress, unless the defendant gives sufficient security by recognisance or otherwise to the satisfaction of the Magistrate, for his appearance before him at the time and place appointed for the return of the warrant of distress.

CV. If at the time and place appointed for the return of any warrant of distress, the officer who has execution of the same returns that he could find no goods whereon to levy, the Magistrate may issue his warrant of commitment directed to the same, or any other Peace Officer, reciting shortly the conviction, the issuing of the distress warrant, and the return thereto, and requiring the officer to convey the defendant to prison, and there to deliver him to the keeper thereof, requiring the

keeper to receive the prisoner into such prison, and there to imprison him or imprison him and keep him to hard labour (as the case may be) in the manner and for the time prescribed by Section 111 of this Act, unless and until the sum or sums adjudged to be paid, and all costs and charges of the distress and also all costs and charges of the commitment, if the Magistrate thinks fit so to order (the amount thereof being ascertained and stated in such commitment) be paid.

CVI. In all cases in which any person is imprisoned for non-payment of any fine he may pay or cause to be paid to the keeper of the prison in which he is confined, the sum or sums in the warrant of commitment, mentioned together with the amount of the costs, charges, and expenses therein mentioned; and the keeper shall receive the same, and shall thereupon discharge the prisoner if he be in his custody for no other matter.

Defendant who pays after commitment to be discharged on payment.

CVII. A Magistrate by whose conviction any sum is adjudged to be paid, may do all or any of the following things, namely :

Powers of Magistrate when imposing a fine.

- (i.) Order imprisonment in the first instance unless such sum be paid forthwith.
- (ii.) Allow time for the payment of the said sum.
- (iii.) Direct payment to be made of the said sum by instalments.
- (iv.) Direct that the person liable to pay the said sum shall be at liberty to give to the satisfaction of that Magistrate, or such person as may be specified by him, security, with or without a surety or sureties, for the payment of the said sum or of any instalment thereof, and such security may be given and enforced in manner provided by this Act.
- (v.) Issue a warrant of distress for the levying of the said sum.
- (vi.) Order imprisonment in default of sufficient distress or of the payment of any instalment.

CVIII. Where a sum is directed to be paid by instalments, and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in payment forthwith of the full amount of the fine or of such amount as remains unpaid.

On default of payment of any instalment process to issue for the whole.

CIX. A Magistrate directing the payment of a sum, or of an instalment of a sum, may direct such payment to be made at such time or times, and in such place or places, and to such person or persons, as may be specified by the Magistrate; and every person to whom any such sum or instalment is paid, when not the Clerk of the Magistrate, shall, as soon as may be, account for and pay over the same to the Magistrate or to his Clerk, if he have a clerk.

Mode of payment by instalments.

CX. A Magistrate to whom application is made either to issue a warrant of distress, or for any endorsement thereon for any sum adjudged to be paid by a conviction, or to issue a warrant for committing a person to prison for non-payment of a sum of money adjudged to be paid by a conviction, or for default of sufficient distress to satisfy any such sum, may, if he deem it expedient so to do, postpone the issue of such warrant until such time and on such conditions (if any) as to him shall seem just.

Magistrate may postpone issue of warrant of distress or commitment.

CXI. The period of imprisonment imposed by a Magistrate under this or any other Act in respect of the non-payment of any sum of money adjudged to be paid by a conviction, or in respect of the default of a sufficient distress to satisfy any such sum, or in respect of the default of payment of any instalment of such sum, shall, notwithstanding any enactment to the contrary in any past Act, be such period as in his

Scale of imprisonment in default of payment of fine or of sufficient distress.

opinion will satisfy the justice of the case, but shall not in any case exceed the maximum fixed by the following scale:—

Where the amount of the sum or sums of money adjudged to be paid—	The said period shall not exceed—
Does not exceed Ten Shillings	14 days
Exceeds 10s. but does not exceed £1	30 days
„ £5 „ „ £5	2 months
„ £5 „ „ £20	4 months
„ £20	6 months

and may be either with or without hard labour in the discretion of the Magistrate.

Power of Magistrate to order attachment of debts due to person sentenced to pay a fine.

CXII. Where any person has been summarily convicted and has been sentenced to pay a fine, and it shall be shown to the Magistrate that there is any sum of money in the hands of a third person, which is due and payable by such third person to the person so convicted as aforesaid, it shall be lawful for the Magistrate to order such third person as aforesaid to pay such sum of money, or such part thereof as will be sufficient to satisfy such fine as aforesaid, to such person or persons as would be by law entitled to receive payment of such fine as aforesaid, in such manner and form as a garnishee may be compelled to pay over money in his hands for the satisfaction of a judgment debt under this Act.

Power to give damages.

CXIII. Where any person is summarily convicted, it shall be lawful for the Magistrate, if he thinks the justice of the case so requires, to order the defendant to pay to the complainant a sum of money by way of damages not exceeding 40s., and the defendant on paying the amount so awarded shall not be liable to the complainant in any further amount in any other proceeding.

Disposal of sums forfeited.

CXIV. Every sum of money which is forfeited under this or any other Act for the amount of any injury done, shall be assessed by the Magistrate, and paid to the party aggrieved, and if he is unknown the same shall be deemed to be a fine and dealt with accordingly.

Where more than one person is ordered to pay a sum equal to the damage done prosecutor only to receive the amount of his damages and the balance to go to the Treasury.

CXV. When several persons join in the commission of the same offence, and upon conviction thereof each is adjudged to forfeit a sum equivalent to the value of the property, or to the amount of the injury done, no further sum shall be paid to the party aggrieved than the amount forfeited by one of such offenders only, and the corresponding sum forfeited by the other offender shall be applied in the same manner as fines imposed by a Magistrate are directed to be applied.

All convictions to be transmitted to the Supreme Court and deposits lodged.

CXVI. Every Magistrate before whom any person is summarily convicted, shall transmit the conviction to the Supreme Court before the time when an appeal from the conviction could be heard there, to be kept by the proper officer among the records of the Court, and if such conviction has been appealed against, and a deposit of money made, shall return the deposit into the said Court; and upon any charge being made against any person for a subsequent offence a copy of such conviction, certified by the proper officer of the Court or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown.

Certified copy of conviction to be evidence in subsequent proceedings.

Magistrate to make return of convictions and moneys received.

CXVII. Every Magistrate shall make a monthly return in writing under his hand of all proceedings had before him under this part of this Act, and of the receipt and application of the monies received by him to the Attorney General, and, if so required by the Attorney-General, shall forward to him without delay a complete copy of such proceedings.

Attorney-General may require a full

CXVIII. The Attorney-General, if he considers the conviction or order in any such proceeding to be bad in law, or contrary to the evi-

dence, or excessive as regards punishment, may at any time, notwithstanding anything in this Act to the contrary, on reasonable notice to the complainant, move the Supreme Court for a review of such conviction or order, and the Supreme Court shall thereupon deal with the case as though it had been duly brought before the Court on appeal.

report and move the Court for a review.

PART V.

SUMMARY JURISDICTION (MATRIMONIAL).

CXIX. Any married woman who is deserted by her husband may make application to a Magistrate for the issue of a summons to her husband to appear before a Magistrate to show cause why he should not be compelled to maintain her, and upon hearing the case the Magistrate, if satisfied that the husband being able wholly or in part to maintain his wife or his child or children has wilfully refused or neglected so to do and has deserted his wife, may order that the husband shall pay to his wife, child, or children such weekly sum not exceeding two pounds, as the Magistrate may consider to be in accordance with his means and with any means the wife may have for her support and the support of her child or children; and the said Magistrate by whom any such order for payment is made, or any other Magistrate sitting in his stead, shall have power from time to time to discharge or vary the same on the application of either the husband or wife upon proof that the means of the husband or wife have been altered in amount, or that the wife is dead, or that any child of the marriage is dead or has attained the age of fifteen years, since the original order or any subsequent order varying it shall have been made.

In cases of desertion Magistrate may order maintenance of wife and family.

CXX. Provided always, that no order for payment of any such sum by the husband shall be made in favour of a wife who, in the opinion of such Magistrate, has by her misconduct forfeited her right to maintenance, and that any order for payment of any such sum may be discharged by the Magistrate by whom any such order was made, or another Magistrate sitting in his stead, upon proof that the wife has since the making thereof been guilty of such misconduct as aforesaid.

Except where the wife has misconducted herself,

CXXI. Every such order as aforesaid shall be enforced in like manner as though such order were a conviction, and the provisions of this Act shall apply in all respects as fully as though such order aforesaid were a conviction.

Order to be enforced like a conviction.

CXXII. The forms to be used and the proceedings to be had under this Part of this Act shall, as nearly as may be, be those used and had in the case of a person charged with having committed an offence punishable summarily by a Magistrate by fine or imprisonment.

Forms and procedure.

CXXIII. Every summons notice or order to be served on any person under this Part of this Act may either be served personally or may be served by leaving the same with an adult inmate at the last known place of abode of the person to be served; and such service shall be effected not less than six clear days before the day on which such person is required to appear before a Magistrate.

Service of summonses, notices, and orders.

CXXIV. All money payable under any order made under this Part of this Act shall subject to such order being varied or discharged as aforesaid be due and payable to the wife in respect of such time and so long as she lives and is of sound mind and is not in prison; and after the death of the wife or while she is of unsound mind or confined in any prison, any Magistrate may make an order from time to time appointing some person who with his own consent shall have the custody of the child or children of the marriage, and the Magistrate may revoke the appointment of such person, and may appoint another person in his stead; and every person so appointed to have the custody of a child may

Provision for the payment of money under an order in cases where the mother is dead or of unsound mind, &c.

Father of child
compellable to
support it
though wife is
dead.

Order for separa-
tion where
husband con-
victed of aggra-
vated assault.

Custody of
children.

Maintenance.

Competence as
witnesses of
husband and
wife.

make application for the recovery of all payments becoming due under any order for the benefit of such child in the same manner as the wife could have done.

CXXXV. In the event of the wife being dead it shall be lawful for any person whom the Magistrate may appoint in that behalf to take all the steps in and about the compelling of the father of any child to contribute to its support which his wife would be entitled to take under this Act.

CXXXVI. Where a husband is convicted summarily for an aggravated assault on his wife within the meaning of the Act of Assembly 28 Victoria, chapter 3, Section 34, the Magistrate before whom he is so convicted, if satisfied that the future safety of the wife is in peril, may order that the wife shall be no longer bound to cohabit with her husband; and such order shall have the force and effect in all respects of a decree of judicial separation on the ground of cruelty.

CXXXVII. Where an order has been made under the last preceding section the Magistrate shall have power in his discretion to order the legal custody of any children of the marriage under the age of fifteen years to be given to the wife.

And he shall also have power to make all such orders for the maintenance of the wife and of the children of the marriage as he might lawfully make under this Act in cases of desertion; and this Part of this Act shall apply in every respect to all such orders as aforesaid as though the wife had been deserted by the husband.

CXXXVIII. In all proceedings under this Part of this Act the husband and the wife shall be competent witnesses for or against each other.

PART VI.

CIVIL JURISDICTION.

Plaintiff and
defendant may
give evidence.

Venue.

Fees to be taken.

Cases where fees
may be remitted.

Claims may not
be split.

Set-off.

CXXXIX. In all civil proceedings the party making the claim shall be called the Plaintiff, and the party against whom the claim is made shall be called the Defendant, and both the Plaintiff and Defendant may give evidence on oath.

CXXX. All civil proceedings shall be commenced, proceeded with, and determined in the District in which the cause of action has arisen, or the parties or either of them reside or carry on business.

CXXXI. Repealed by 62 Vict. c. 16.

CXXXII. The fees specified in the 3rd Schedule of this Act shall be paid in advance in all Civil proceedings, provided that in cases where the Magistrate is satisfied of the inability of any Plaintiff to pay the prescribed fees, and that the Plaintiff has *prima facie* a good ground of claim, the Magistrate may in his discretion remit the same, but also, provided that in all such cases if judgment is given for the Plaintiff such fees as would in other cases be chargeable shall be charged to and recovered from the Defendant.

CXXXIII. No claim amounting in the whole to a sum exceeding £10 shall be split so as to be made the ground of two or more different summonses, in order to bring such cases within the jurisdiction of the Magistrate, and if the Magistrate shall find that the Plaintiff in any case has split his cause of action as aforesaid he shall dismiss such summonses, but without prejudice to the Plaintiff's right to sue on the cause of action in such other manner as he shall think fit. Provided that if the Plaintiff is content to recover a sum not exceeding 10*l.*, the Magistrate shall entertain the summons, and in case any judgment shall be given in favour of the Plaintiff the same shall be a full discharge and satisfaction of the whole cause of action, and it shall be so expressed in the body of the judgment.

CXXXIV. In an action arising out of a contract or where an order is claimed for the payment of money as a civil debt, the Defendant may

plead and prove a set-off, or may counter-claim against the Plaintiff, provided such counter-claim is based upon the same contract on which the Plaintiff is suing, and that the amount claimed whether by set-off or counter-claim does not exceed £10.

CXXXV. Any person summoned to give evidence or to produce any document, and failing or refusing to obey such summons, and any person present and required to give evidence refusing to be sworn or to give evidence shall (unless he satisfies the Magistrates that he has a reasonable excuse for so failing or refusing) be liable to pay a fine not exceeding £5.

Powers of
compulsion on
witnesses.

CXXXVI. A Magistrate may order a new trial to be had between the parties upon such terms as to costs or otherwise as he shall think reasonable, and in the mean time stay all proceedings.

Magistrate may
order a new
trial.

CXXXVII. The costs of all civil proceedings shall be in the discretion of the Magistrate, and shall be limited to the fees comprised in the 3rd Schedule of this Act. Provided that the Magistrate may in addition to such fees in his discretion allow any reasonable sum or sums not exceeding 40s. in the aggregate, by way of compensation for the attendance and loss of time of the parties and witnesses, and if he considers the justice of the case so requires for attorney's costs, and all sums so allowed in any civil proceeding shall be recovered as costs therein.

Costs.

CXXXVIII. Every judgment or order may be enforced by sale of the goods of the Defendant, or by attachment of monies due to him by any third party. And the Magistrate shall have power to hear and determine all matters of interpleader.

Of execution.

CXXXIX. No judgment or order, or order for the payment of any costs awarded shall be enforced by imprisonment except as hereinafter prescribed.

Judgments not
to be enforced
by imprisonment
except

CXL. Where any defendant shall make default in the payment of any judgment debt, or of any sum ordered to be paid, or any instalment, or any costs, and he either has or has had since the date of the order the means to pay the same and has refused or neglected or refuses or neglects to pay the same, the Magistrate may commit him to prison without hard labour for any period not exceeding six weeks or until payment of the sum due; and may issue all necessary warrants in that behalf.

As in the case
of a judgment
debtor on a
judgment
summons.

CXLI. Where power is given by any Act to a Magistrate of requiring any person to do or abstain from doing any act or thing other than the payment of money or requiring any act or thing to be done or left undone other than the payment of money and no mode is prescribed for the enforcing such requisition the Magistrate may exercise such power by an order, and may annex thereto any conditions as to time or mode of action as to him may seem just, and may suspend or rescind such order on such undertaking being given or condition being performed as to him may seem just, and may make such arrangements for carrying such power into effect as may to him seem expedient.

And when the
doing or abstain-
ing from the
doing of any
act is ordered.

CXLII. A person making default in complying with the order of a Magistrate other than for the payment of money for the space of ten days, may if it be not otherwise provided in the Act on which such order is based upon application to a Magistrate, and on proof of such default be ordered to pay a sum not exceeding £1 for every day during which he is in default, or to be imprisoned until he has remedied his default, and any sum ordered to be paid as last hereinbefore mentioned shall be recoverable summarily as a civil debt.

The Magistrate
may order a
penalty per diem
or imprisonment.

CXLIII. No person shall for non-compliance with the requisition of the Magistrate, whether made by one or more orders, to do or to abstain from doing any particular act or thing be liable to be imprisoned for a period or periods amounting in the aggregate to more than six months, or to the payment of any sums exceeding in the aggregate £20.

Provided the
imprisonment
does not exceed
six months,
and the penalty
£20.

CXLIV. Every person who is directed by any Magistrate to collect the amount of any judgment debt, or order for the payment of money

All monies
collected to be
paid to Magis-
trate or Clerk.

Rules in
Schedule II.

May be amended
by Chief Justice.

shall, on receiving the amount of such debt or sum or any part thereof or of any costs or other sums of money collected by him, forthwith pay over the same to the Magistrate or the Clerk of the Magistrate, and the Magistrate or the Clerk of the Magistrate shall pay the same to the party who is entitled to receive the same.

CXLV. The Rules of Procedure comprised in Schedule II. of this Act shall regulate all civil proceedings. And it shall be lawful for the Chief Justice of the Supreme Court to rescind, alter, or add such Rules as occasion may require in the manner and form prescribed by this Act for the making rescinding, altering, or adding Rules. And any Rule so made, altered, or added shall have the same force and effect as if enacted in such Schedule as aforesaid.

PART VII.

APPEALS.

When an appeal
lies.

CXLVI. An appeal shall lie from the decision of any Magistrate given in the exercise of his Summary Jurisdiction, whether criminal, matrimonial, or civil—

To what Court.

- (i.) Where the case has been heard in New Providence to the Supreme Court :
- (ii.) Where the case has been heard in an out-island to the Circuit Justice on circuit.

Proviso.

Provided that—

- (i.) Where a person has been adjudged by a conviction or order made on complaint to pay a sum of money, such sum of money exceeds the amount of 5s. including costs :
- (ii.) Where a person has been adjudged by a conviction or order made on complaint (either as a punishment for an offence or for failing to do, or to abstain from doing any act or thing required to be done or left undone) to be imprisoned such imprisonment was inflicted without the option of a fine :
- (iii.) In civil proceedings the sum claimed exceeds 5s. exclusive of costs :
- (iv.) In civil proceedings the order for imprisonment was not made only for the enforcing of a judgment or order for the payment of money or as the alternative for failure to comply with an order for the doing or abstaining from doing any act or thing required to be done or left undone, or for the finding of sureties or for the entering into recognisances for the giving of security :
- (v.) The defendant did not plead guilty or admit the truth of the information complaint or claim.

Proviso.

And provided also, that in no case shall the complainant appeal from a decision dismissing a complaint except by way of a stated case on a point of law.

Duty of Magis-
trate on giving
appealable de-
cision.

CXLVII. A Magistrate upon giving any decision which is appealable shall inform the party to whom the decision is adverse that he has a right to appeal therefrom, and what steps must be taken by a party wishing to appeal, and a note shall be made at the time by the Magistrate that such information has been given by him to such party as aforesaid ; and every such note shall be conclusive as to the provisions of this section having been complied with.

Appeal operates
as a stay.

Motion or special
case.

CXLVIII. The appeal shall have the effect of suspending the execution of the decision appealed from until the case shall have been determined, and shall be on motion or where the case has been heard in New Providence by special case as hereinafter provided.

The appellant, within seven days after the day on which the Magistrate has given his decision, shall serve a notice in writing, signed by the appellant or his counsel or attorney, on the other party and on the Magistrate of his intention to appeal and of the general grounds of his appeal.

Notice of appeal.

CXLIX. The appellant shall within three days after the day on which he served notice of his intention to appeal enter into a recognisance before a Magistrate, with or without sureties as the Magistrate may direct, conditioned to prosecute the appeal to judgment and to abide the judgment thereon of the Court and to pay such costs as may be awarded by it, or if the Magistrate thinks it expedient he may instead of entering into recognisances give such other security by deposit of money with the Magistrate or otherwise as the Magistrate deems sufficient.

Recognisance or security to be taken.

CL. The Magistrate, when the case has been heard in New Providence, shall without delay transmit to the Registrar of the Supreme Court a copy of the conviction, order, or judgment and all papers relating to the appeal.

Transmission of appeal papers.

And where the case has been heard in an out-island the Magistrate shall without delay notify to one of the Circuit Justices the lodging of the appeal, and shall deliver a copy of the conviction, order, or judgment and all papers relating to the appeal to the Circuit Justice on his arrival in such island as aforesaid.

CLI. Where the appellant is in custody the Magistrate before whom he appears to enter into a recognisance shall, on his so doing or on giving such other security as aforesaid, release him from custody.

Appellant to go at large.

CLII. In all cases of appeal by way of special case the appellant shall, within the times and in the manner and form hereinbefore prescribed, serve a notice of appeal and enter into recognisances, and shall within fourteen days after the day on which the Magistrate gave his decision apply to such Magistrate to state a special case for the purposes of the appeal, setting forth the facts of the case and the grounds on which the proceeding is questioned and the grounds of the Magistrate's decision.

Special case.

CLIII. The Magistrate may refuse to state a case if he considers the matter is frivolous, and shall on request deliver to the applicant a certificate of refusal, and thereupon the appellant may apply to the Supreme Court for an order requiring the case to be stated.

Remedy if special case refused.

Provided that the Magistrate shall not refuse to state a case where the application for that purpose is made to him by or under the direction of Her Majesty's Attorney-General.

CLIV. The Magistrate upon receiving the application of the applicant or the order of the Supreme Court as the case may be shall draw up the special case, concisely setting forth such facts and documents (if any) as may be necessary to enable the Court to decide the questions raised in the case, and shall forthwith transmit the same together with a copy of the conviction, order, or judgment appealed from and all documents alluded to in the special case to the Registrar of the Supreme Court who on application of either party shall supply such applicant with a copy of the special case on payment for the same at the rate of two pence per folio of 72 words.

Duty of Magistrate as to special case.

CLV. On an appeal by motion the appellant on serving notice on the Magistrate of his intention to appeal, and on entering into recognisances as aforesaid, shall be entitled to receive with all convenient speed a copy of the evidence taken by the Magistrate in the case, and also a copy of the conviction, order, or judgment made or given on payment for the same at the rate of two pence per folio of 72 words.

How the parties may obtain copies of special case.

Appellant entitled to copies of evidence, &c.

CLVI. The Registrar shall in either case set the appeal down for argument on such day, and shall cause notice of the same to be published in such manner, as the Court may direct,

Registrar to set appeal down for argument.

Appeal not a re-hearing unless the Court so directs.

Proviso.

Procedure on hearing of appeal on motion.

Court on hearing of appeal on motion to decide on facts as well as law.

On appeal by special case Court confined to facts and evidence stated therein.

Powers of Court on hearing appeals.

Costs.

Where appeal is abandoned Court may give respondent his costs.

No appeal on point of form or matter of variance.

Exception.

CLVII. On an appeal by motion, unless the Court considers the justice of the case requires a re-hearing, the appellant shall begin, and unless he satisfies the Court that it is necessary to call on the respondent, the conviction, order, or judgment shall be confirmed.

Provided always, that if the Court directs a re-hearing the respondent, if the issue is with him, shall begin and prove his case, and the Court may, if the justice of the case requires it, adjourn the hearing to some convenient day.

CLVIII. At the hearing of an appeal on motion, the appellant shall, before going into the case, state all the grounds of appeal on which he intends to rely, and shall not, unless by leave of the Court, go into any matters not raised by such statement, nor shall he be entitled to examine any witnesses not examined at the hearing of the case before the Magistrate unless he has given to the respondent three clear days notice in writing of the names and addresses of such witnesses and of the substance of the evidence they will give.

CLIX. On an appeal by motion the Court may draw inferences of fact from the evidence given before the Magistrate, and, subject to due notice having been given as hereinbefore mentioned, shall hear any further evidence tendered by the appellant, and may take and admit, if it think fit, any further evidence tendered in reply and also such other evidence as it may require, and it may decide the appeal with reference both to matters of fact and to matters of law.

CLX. On appeal by special case the Court shall only entertain such appeal on the ground that the decision of the Magistrate was erroneous in point of law, or in excess of jurisdiction, and only upon the facts stated and the evidence mentioned in the special case. And the Court may remit the case to the Magistrate for amendment if necessary.

CLXI. The Court may adjourn the hearing of the appeal, and may upon the hearing thereof confirm, reverse, vary, or modify the decision of the Magistrate or remit the matter with the opinion of the Court thereon to the Magistrate, or may make such other order in the matter as it may think just, and may by such order exercise any power which the Magistrate might have exercised, and such order shall have the same effect and may be enforced in the same manner as if it had been made by the Magistrate.

CLXII. The Court may make such order as to the costs to be paid by either party as it may think just, and in the event of costs being allowed may direct a lump sum to be paid by way of costs not exceeding £5 5s. according to the importance of the appeal, or the length of time occupied by the hearing thereof, and such sum shall cover all fees of office and all fees of Counsel or Attorney. Provided always, that no Magistrate shall be liable to any costs in respect of any appeal against his decision.

CLXIII. Where an appeal is abandoned or withdrawn the Court, on proof of notice of appeal having been given to the respondent, may make an order that the respondent shall receive such costs as the Court may allow, and such costs shall be recoverable as hereinafter provided.

CLXIV. No judgment shall be given in favour of the appellant if the appeal is based on an objection to any information, complaint, summons, or warrant for any alleged defect therein in matter of substance or for any variance between such information, complaint, summons, or warrant, and the evidence adduced in support thereof, unless it be proved that such objection was raised before the Magistrate whose decision is appealed against, nor unless it is proved that notwithstanding it was shown to such Magistrate that by such variance the appellant had been deceived or misled, such Magistrate refused to adjourn the hearing of the case to a future day.

CLXV. In any case of appeal the Court may hear and determine the case upon the merits, notwithstanding any defect in form or otherwise in the conviction, order, or judgment, and if the appellant is found guilty the conviction, order, or judgment shall be confirmed, and, if necessary, amended.

Court may decide on merits notwithstanding any defect in form.

CLXVI. No conviction or order shall be quashed for want of form or removed by certiorari into any other Court, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted or ordered to do or abstain from doing any act or thing required to be done or left undone, and there be a good and valid conviction or order to sustain the same.

No certiorari.

Defect in warrant of commitment not to render void.

CLXVII. When an order is made upon either party for costs, such costs shall be payable to the proper officer of the Court, to be by him paid over to the party entitled to the same, and in the absence of any special direction shall be payable forthwith.

How costs are payable.

CLXVIII. If the costs on the appeal are not paid within the time ordered by the Court, the proper officer shall, on the application of the party entitled to the same, or any person duly authorised on his behalf, and on payment of the prescribed fee (if any), grant to such party a certificate that such costs have not been paid, and on production thereof to any Magistrate in the District where the case was heard, such Magistrate shall enforce the payment of such costs in the manner prescribed by this Act for the enforcing of the payment of costs awarded on a summary conviction, and where a recognisance with sureties has been entered into shall enforce the payment due thereunder in the manner prescribed by this Act.

How costs are recoverable.

Provided always, that on an appeal from a decision of a Magistrate in Civil proceedings, the Court shall not order imprisonment for the enforcing payment of any costs except as provided by that Part of this Act relating to Civil proceedings.

Proviso as to civil proceedings.

CLXIX. Whenever the decision of a Magistrate is confirmed on appeal the Registrar of the Supreme Court shall inform the Magistrate of such confirmation, and thereupon the Magistrate sitting for the same District may issue a warrant of distress, or commitment, or writ of execution, as the case may be, for enforcing such decision in the same manner as though no appeal had been brought.

Where conviction confirmed, warrant may issue as though no appeal had been made.

Whenever the decision is not confirmed the Registrar of the Supreme Court shall send to the Magistrate, from whose decision the appeal was made, for entry in his register, and shall also endorse on the conviction, order, or judgment appealed against a memorandum of the decision of the Court, and whenever any copy or certificate of such conviction, judgment, or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence of the decision on appeal in every case where such copy or certificate would be sufficient evidence of such conviction, order, or judgment.

Procedure when conviction quashed.

PART VIII.

WITNESSES.

CLXX. If it shall be made to appear to any Magistrate by the oath of any credible person that any person is likely to give material evidence in any matter where an information or complaint is laid or made and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed in that behalf, such Magistrate shall issue his summons to such person requiring him to be and appear at a time and place therein mentioned to testify to what he knows concerning such matter as aforesaid. And service may be effected in the way service on an accused person is effected.

Summoning witnesses.

Service.

Warrant may
issue on non-
appearance.

CLXXI. If any person so summoned as aforesaid shall fail to appear at the time and place appointed in the summons, the Magistrate, on proof upon oath that such summons has been duly served may, unless satisfied that there is some lawful excuse for such failure to appear, issue his warrant to bring such person at a time and place therein mentioned before such Magistrate to testify as aforesaid, and such warrant may be executed in any part of the Colony, or the Magistrate may order him to pay a fine not exceeding £2.

When warrant
may issue in first
instance.

CLXXII. If the Magistrate be satisfied by evidence upon oath that it is probable that such person will not attend to give evidence unless compelled to do so, then, instead of issuing such summons as aforesaid, the Magistrate may issue his warrant in the first instance.

Witness refusing
to be sworn or
to answer may
be committed.

CLXXIII. If any person attending as a witness or so summoned or brought up on a warrant as aforesaid refuses to be examined on oath concerning the premises, or refuses to take such oath, or having taken such oath refuses to answer any lawful question put to him, without giving just excuse for so doing, the Magistrate may by warrant commit such person to prison, there to remain and be imprisoned for any period not exceeding ten days unless he, in the meantime, consents to be examined and to answer concerning the premises, or the Magistrate may order him to pay a fine not exceeding £2.

Complainant
a competent
witness.

CLXXIV. The complainant in any complaint, whether having any pecuniary interest in the result or not, shall be a competent witness to support such complaint.

When deposi-
tions may be
read at the trial.

CLXXV. If, upon the trial at the Sessions of the person accused, it be proved on the oath of any reliable witness that any person whose deposition has been taken is dead, or so ill as to be unable to travel, or is absent from the Colony, and if it be also proved that such deposition was taken in the presence of the accused, and that he or his Counsel or Attorney had a full opportunity of cross-examining the witness, then if the deposition purports to be signed by the Magistrate, by or before whom the same purports to have been taken, it shall be read as evidence in the prosecution without further proof thereof unless it be proved that such deposition was not, in fact, signed by the Magistrate purporting to have signed the same.

As to taking the
deposition of a
witness who is
ill or about to
leave the Colony.

CLXXVI. If it is proved upon oath before any Magistrate that any person is dangerously ill and unable to travel, or is about to leave the Colony for a period extending beyond the time when the accused, if committed for trial, would be tried, and that such person is able and willing to give material information as to any offence which such Magistrate is not empowered to try summarily, and with which any person has been charged before a Magistrate (whether the preliminary enquiry has or has not been held or is in progress, but not after the accused has been discharged) the Magistrate may take the deposition of such person at the place where such person is lying sick, or if such person is about to leave the Colony as aforesaid in open Court, in the manner prescribed by this Act, and shall, after taking it, sign it, adding to it by way of heading a statement of the reason for taking it, and of the day and place on and at which it was taken, and of the names of the persons, if any, present at the taking thereof.

Notice to the
prisoner to be
present.

CLXXVII. Whenever it is intended to take any such deposition as aforesaid, reasonable notice that it is intended so to be taken shall, if the accused is in prison, be served upon him in prison, or if he is on bail shall be either served upon him or left with an adult inmate at his last or most usual place of abode. If the accused is in prison, any Magistrate shall, by an order in writing, direct the gaoler having the custody of the accused to cause him to be conveyed to the place where the deposition is to be taken, for the purpose of being present when the same is taken, and to be conveyed back to prison when it has been taken,

but no accused person shall be taken to any such place (other than the Magistrate's Court) for such a purpose without his consent.

CLXXXVIII. If such deposition relates to an offence, the preliminary inquiry into which has ended, the Magistrate taking it shall send it to the Attorney-General to be placed with the other depositions taken in the case, and if it relates to an offence with which some person has been charged, and as to which a preliminary inquiry is in progress, the Magistrate shall deal with it like any other deposition taken in the matter under preliminary inquiry. But such person as aforesaid so making a deposition as aforesaid shall not be called upon to enter into a recognisance to give evidence at the trial of the accused.

Magistrate to deal with the deposition like any other deposition.

CLXXXIX. Every deposition so taken shall be a deposition taken in the case to which it relates, and shall be admissible in evidence on the same conditions as other depositions, provided that it shall be admissible against the accused although it may have been in his absence, and may not have been read over to the witness in his presence, and although neither he nor his Counsel or Attorney had an opportunity of cross-examining the witness, if it is proved that the accused having received such notice as aforesaid that such deposition was about to be taken, refused or neglected to be present, or to cause his Counsel or Attorney to be present when it was taken, or that it was taken at the Magistrate's Court.

Such deposition to be admissible in evidence.

Proviso.

Provided also, that if it is proved that the person whose evidence has been taken as aforesaid has so recovered from his sickness or returned to the Colony as to be able to be present at the sessions at which the accused is tried, such deposition so taken as aforesaid shall not be read.

Proviso.

CLXXX. Any person charged with having committed an offence not punishable summarily may on notice to the complainant require that the evidence of any such person as in the 176th section mentioned may be taken in like manner, and any deposition so taken shall be dealt with and be admissible in evidence on the same conditions as other depositions and on conditions corresponding to those mentioned in the last preceding sections.

Defendant to have the same privilege as the prosecutor under last section.

CLXXXI. It shall be lawful for a Magistrate by an order in writing to cause any person confined in any prison within his jurisdiction to be brought before him or any other Magistrate for examination as a witness, and every such person shall be deemed to be in lawful custody during the time he is absent from such prison.

Power to order a prisoner to be brought up to give evidence.

PART IX.

RECOGNISANCES AND SECURITY.

CLXXXII. Any person may by complaint call upon any other person to show cause why he should not be bound over in recognisances to keep the peace or be of good behaviour toward such complainant, and the Magistrate may make an order adjudging the person complained against to enter into recognisances and find sureties in that behalf, and the complainant and defendant and witnesses may be called and examined and cross-examined, and the complainant and defendant shall be subject to all the provisions of this Act relating to summary convictions except so far as is by this Act otherwise provided.

Binding over to keep the peace.

CLXXXIII. The Magistrate may order the defendant in default of complying with such order as in the last preceding section mentioned, to be imprisoned for a period not exceeding six months.

Defendant in default may be committed.

CLXXXIV. Where a person has been committed to prison by a Magistrate as in the last preceding section mentioned any Magistrate

Magistrate may vary the order on cause shown.

may on application made to him inquire into the case of the person so committed, and if upon new evidence being produced on proof of a change of circumstances the Magistrate thinks it is just so to do he may reduce the amount mentioned in the recognisance or dispense with the sureties or otherwise deal with the case as he shall think just.

Form of recognisance,

CLXXXV. Every recognisance shall specify the profession or calling of the person entering into or acknowledging the same together with his Christian and surname and the name of his place of residence, and when duly acknowledged shall be subscribed by the Magistrate before whom it is acknowledged, and it shall be conditioned in the case of

how conditioned.

- (i.) an accused person that he will duly appear at the time and place of trial or of adjourned hearing and not depart the Court without leave; and
- (ii.) in the case of a prosecutor or witness that he will duly appear at the time and place of the trial of the accused, and then and there prosecute or give evidence or prosecute and give evidence as the case may be against the person accused; and
- (iii.) in the case of recognisances to keep the peace or to be of good behaviour and in any other case in such manner as the Magistrate shall direct.

Notice of recognisance.

CLXXXVI. A written notice of such recognisance signed by the Magistrate shall at the same time be given to the person bound thereby.

Proof of sufficiency.

CLXXXVII. The Magistrate may in his discretion require any person entering into recognisances whether as a surety or otherwise to justify as to his sufficiency upon oath or by such evidence as the Magistrate may require.

Estreating recognisances conditioned for appearance.

CLXXXVIII. Where a recognisance is conditioned for the appearance of a person before a Magistrate or at the Sessions or for his doing some other matter or thing to be done before a Magistrate or in a proceeding in a Magistrate's Court, the Magistrate, if such recognisance is shown to him to be forfeited, may declare the same to be forfeited and enforce payment of the sum due thereunder in the same manner as the payment of a fine may be enforced which has been imposed on summary conviction.

Forfeiture may be cancelled on security being given.

Provided that at any time before the sale of goods under a warrant of distress for the said sum the said Magistrate or any other Magistrate for the same district may cancel or mitigate the forfeiture upon the persons liable applying and giving security to the satisfaction of the Magistrate for the future performance of the conditions of his recognisance and paying or giving security for the payment of the costs incurred in respect of the forfeiture or upon such other conditions as the Magistrate may think just.

Estreating recognisance conditioned for keeping the peace or doing some act or thing.

CLXXXIX. Where a recognisance conditioned to keep the peace or be of good behaviour or not to do or commit some act or thing has been entered into by any person as principal or surety before a Magistrate, such Magistrate, or any other Magistrate for the same district, upon proof of the conviction of the person bound as principal by such recognisance of any offence which is in law a breach of the condition of the same, may by conviction adjudge such recognisance to be forfeited and adjudge the person bound thereby, whether as principal or surety, to pay the sums for which they are respectively bound.

Payment of sums forfeited.

CXC. All sums payable in respect of a recognisance declared or adjudged by a Magistrate to be forfeited shall be paid to the Clerk of such Magistrate, or if he have no clerk, to the Magistrate himself, and shall be paid and applied in the manner in which fines imposed by a Magistrate are payable and applicable.

Regulations as to securities,

CXCI. A person shall give security under this Act whether as principal or surety, either by the deposit of money with the Magistrate or his clerk, if any, or by an oral or written acknowledgment of the un-

dertaking or condition by which and of the sum for which he is bound in such manner and form as may be for the time being directed by any rule made in pursuance of this Act, and evidence of such security may be provided by entry thereof in the register under this Act of proceedings of a Magistrate or otherwise as may be directed by such rule.

CXCII. Any sum which may become due in pursuance of a security under this Act from a surety shall be recoverable summarily in manner directed by this Act with respect to a civil debt, on summons by a constable or by some other person authorised for the purpose by a Magistrate.

How forfeited security is to be realised.

CXCIII. A Magistrate may enforce the payment of any sum due by a principal in pursuance of a security under this Act which appears to such Magistrate to be forfeited in the same manner as the payment of a fine may be enforced which has been imposed on summary conviction if the security was given for a sum adjudged by conviction and in any other case in like manner as if it were a sum adjudged by a Magistrate to be paid as a civil debt: Provided that before a warrant of distress for the sum is issued such notice of the forfeiture shall be served on the said principal and in such manner as may be directed for the time being by rules under this Act and subject thereto by the Magistrate authorising security or by any Magistrate to whom application is made for the issue of the warrant.

Security given by a principal on conviction to be recovered like a fine.

In any other case like a civil debt.
Proviso.

CXCIV. Any sum paid by a surety on behalf of his principal in respect of a security under this Act, together with all costs, charges, and expenses incurred by such surety in respect of such security, shall be deemed a civil debt due to him from the principal, and may be recovered before a Magistrate in manner directed by this Act with respect to the recovery of a civil debt, which is recoverable summarily.

Surety paying under a security may recover the amount from the principal like a civil debt.

CXCV. Where security is given under this Act for payment of a sum of money, the payment of such sum shall be enforced by means of such security in substitution for other means of enforcing such payment.

Security to be realised before other steps are taken.

CXCVI. When a Magistrate has fixed, as respects any recognisance, the amount in which the principal and the sureties (if any) are to be bound, the recognisance notwithstanding anything in this or any other statute need not be entered into before such Magistrate, but may, subject to any rules made in pursuance of the Act, be entered into by the parties before any other Magistrate, or before any Clerk of a Magistrate, or before an Inspector of Police in New Providence, or any Peace Officer in charge of any Police Station in any out-island, or where any of the parties is in prison before the Keeper of such prison, and where a recognisance has been entered into for the due appearance of the principal at any Magistrate's Court, and such person duly appears in accordance with the condition in such recognisance, the bail may be renewed by any Constable in the said Court, if the Magistrate be not present, and thereupon all the consequences of law shall ensue, and the provisions of this Act with respect to recognisances taken before a Magistrate shall apply as if the recognisances had been entered into before a Magistrate.

Recognisance taken out of Court.

PART X.

DISTRESS.

CXCVII. The wearing apparel and bedding of a person and his family, and to the value of Five Pounds the tools and implements of his trade, shall not be taken under a distress issued by a Magistrate.

What may not be taken.

CXCVIII. A warrant of distress shall be executed by or under the direction of a constable.

Warrant how executed.

CXCIX. Save so far as the person against whom the distress is levied otherwise consents in writing, the distress shall be sold by public

Public auction after five days

and within
fourteen days.

Impounding
goods levied on.

Penalty for
removing im-
pounded goods.

Account to be
sent to Magis-
trate of costs.

Costs of sale to
be deducted from
proceeds.

Warrant not to
be executed if
amount due and
all costs be paid
or tendered.

Replevy.

and five clear days at the least shall intervene between the making of the distress and the sale, and where written consent is so given as aforesaid the sale may be made in accordance with such consent.

CC. Subject as aforesaid, the distress shall be sold within the period fixed by the warrant, and if no period is so fixed, then within the period of fourteen days from the date of the making of the distress, unless the sum for which the warrant was issued, and also the charges of taking and keeping the said distress, are sooner paid.

CCI. Subject to any directions to the contrary given by the warrant of distress, where the distress is levied on household goods, the goods shall not, except with the consent in writing of the person against whom the distress is so levied, be removed from the house until the day of sale, but so much of the goods shall be impounded as are in the opinion of the person executing the warrant sufficient to satisfy the distress, by affixing to the articles impounded a conspicuous mark, and any person removing any goods so marked, or defacing or removing the said mark, shall on summary conviction be liable to a fine not exceeding Five Pounds in respect of each article or mark.

CCII. A written account of the costs and charges incurred in respect of the execution of any warrant of distress shall be sent by the constable charged with the execution of the warrant so soon as practicable to the Magistrate issuing the warrant, and it shall be lawful for the person upon whose goods the distress was levied, within one month after the levy of the distress, to inspect such account without fee or reward at any reasonable time to be appointed by the Magistrate, and to take a copy of such account.

CCIII. A constable charged with the execution of a warrant of distress shall cause the distress to be sold, and may deduct out of the amount realised by such sale all costs and charges actually incurred in affecting such sale, and shall render to the owner the overplus, if any, after retaining the amount of the sum for which the warrant was issued and the proper costs and charges of the execution of the warrant.

CCIV. Where a person pays or tenders to the constable charged with the execution of a warrant of distress the sum mentioned in such warrant, or produces the receipt for the same to the Magistrate, or the Clerk of the Magistrate issuing the warrant, and also pays the amount of the costs and charges of such distress up to the time of such payment or tender the constable shall not execute the warrant.

CCV. It shall be lawful for any person other than the person mentioned in the warrant, claiming to be the owner of the property levied on, within the five clear days in section 199 mentioned, to cause to be replevied in the manner and form in which goods are replevied which have been distrained upon for nonpayment of rent. And if within such five days as aforesaid the property levied on is not replevied, no person other than the person mentioned in the warrant aforesaid shall have any right of action against any other person in respect of such property.

PART XI.

MISCELLANEOUS.

General pro-
visions as to
local jurisdiction
of Magistrates.

CCVI. For the purposes of the trial of any offence punishable on summary conviction under this Act, or under any other Act whether past or future, the following provisions shall have effect:—

- (1.) Where the offence is committed within the territorial waters adjoining the district of a Magistrate, such offence shall be deemed to have been committed within the district of such Magistrate.

- (ii.) Where the offence is committed on the boundary of the districts of two or more Magistrates, or within the distance of five hundred yards of any such boundary, or partly within the district of one Magistrate and partly within the district of another Magistrate, such offence may be dealt with, tried, and punished by any one of such Magistrates.

CCVII. In any information, or complaint, or proceeding thereon, in which it is necessary to state the ownership of any property belonging to or in possession of partners, joint-tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named and another, or others as the case may be; and whenever in any information, or complaint, or the proceedings thereon, it is necessary to mention for any purpose whatsoever any partners, joint-tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and whenever in any information, or complaint, or the proceedings thereon, it is necessary to describe the ownership of any work or building made, maintained, or repaired at the expense of any corporation, or the inhabitants of any place, or of any materials for the making or repairing the same, they may be therein described as the property of the inhabitants of such place.

Description of the property of partners, &c.

CCVIII. The description of any offence in the words of the Act, order, bye-law, regulation, or other document creating the offence, or in similar words, shall be sufficient in law.

Description of the offence.

And any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany in the same section the description of the offence in the Act, order, bye-law, regulation, or other document creating the offence, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Exception or proviso may be proved by defendant.

CCIX. Every person who aids, abets, counsels, commands, or procures the commission of any offence which is punishable on summary conviction under this or any other Act, shall be liable to be proceeded against [but under like conditions (if any) to which the principal offender is subject under this Act] and convicted for the same, either together with the principal offender, or before or after his conviction, and shall also be liable on conviction to the same forfeitures and punishments, and to make the same payments as those to which the principal offender would be liable, and he may be proceeded against and convicted either in the place where the principal offender is triable, or in that in which the offence of aiding, abetting, counselling, or procuring was committed.

Aiders and abettors.

CCX. No objection shall be allowed to any information, complaint, summons, or warrant for any alleged defect therein in substance or in form, or for any variance between such information, complaint, summons, or warrant, and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint.

No objection to be allowed on point of form or variance.

CCXI. In all cases of information or complaint for offences or acts punishable upon summary conviction, any variance between the information or complaint and the evidence adduced in support thereof as to the time at which such offence or act is alleged to have been committed shall not be deemed material if it be proved that such information or complaint was in fact laid within the time limited by law for laying the same, and any variance between the information or complaint and the evidence adduced in support thereof, as to the place in which the offence or act is alleged to have been committed, shall not be deemed material if the offence or act be proved to have been committed within the limits of the colony.

Of variance as to time or place.

Where party charged is deceived by variance between information and evidence.

Magistrate to adjourn.

CCXII. If any such variance, or any other variance between the information or complaint, and the evidence adduced in support thereof, appears to the Magistrate present and acting at the hearing to be such that the party charged by the information or complaint has been thereby deceived or misled, the Magistrate, upon such terms as he shall think fit, may adjourn the hearing of the case to some future day, and in the meantime commit the defendant to prison or to such other custody as the Magistrate thinks fit, or may discharge him upon his entering into a recognisance, with or without surety or sureties at the discretion of the Magistrate, conditioned for his appearance at the time and place to which the hearing is adjourned.

Warrant of distress not to be impeached for want of form.

CCXIII. A warrant of distress shall not be deemed void by reason only of any defect therein if it be therein alleged that a conviction or order has been made and there is a good and valid conviction or order to sustain the same. And no Peace Officer acting under any warrant shall be deemed a trespasser from the beginning by reason of any defect in the warrant, or of any irregularity in the issue of the warrant, but this enactment shall not prejudice the right of any person to satisfaction for any special damage caused by any irregularity in the execution of a warrant, so, however, that if amends are tendered before action brought, and if the action is brought are paid into Court in the action; and if the plaintiff does not recover more than the sum so tendered and paid into Court the plaintiff shall not be entitled to any costs incurred after such tender, and the defendant shall be entitled to costs to be taxed as between Attorney and Client.

Power to sell forfeitures.

CCXIV. All forfeitures not pecuniary which are in respect of an offence triable by a Magistrate or which may be enforced by a Magistrate may be sold or disposed of in such manner as the Magistrate having cognisance of the case may direct, and the proceeds of such sale shall unless otherwise provided be applied in like manner as if the proceeds were a fine imposed under this Act on which the proceedings for the forfeiture is founded.

Procedure where a person charged with an indictable offence is dealt with summarily.

CCXV. Where an indictable offence is, under the circumstances in this Act mentioned authorised to be dealt with summarily—

- (i.) The procedure shall until the Magistrate assumes the power to deal with such offence summarily be the same in all respects as if the offence were to be dealt with throughout as an indictable offence, but when and so soon as the Magistrate assumes the power to deal with such offence summarily the procedure shall be the same from and after that moment as if the offence were an offence punishable summarily and not on information at the Sessions, and the provisions of this Act shall apply accordingly.
- (ii.) The evidence of any witness taken, before the Magistrate assumed such power as aforesaid, need not be taken again; but every such witness shall, if the defendant so require it, be recalled for purposes of cross-examination.
- (iii.) The conviction for any such offence shall be of the same effect as conviction on a trial for the offence on information at the Sessions, and the Magistrate may make the like order for the restitution of property as might have been made at the Sessions.
- (iv.) Where the Magistrate has assumed the power to deal with the case summarily and shall dismiss the charge, he shall, if so required, deliver to the person charged a copy certified under his hand of the order of dismissal, and such dismissal shall be of the same effect as an acquittal on a trial for the offence on information at the Sessions.

- (v.) The conviction shall contain a statement either as to the plea of guilty of an adult or in the case of a child or young person of the consent (if any) of his parent or guardian, and in the case of any other person of the consent of such person to be tried by a Magistrate.

CCXVI. If at any time during any proceedings before a Magistrate it shall become necessary to adjourn the hearing of the same the Magistrate may from time to time adjourn the case to a certain time and place to be then appointed, in the hearing of the parties, or their Counsel or Attorneys, and if the defendant is in custody he may admit him to bail as in this Act provided, or by his warrant remand him to prison for any time not exceeding eight clear days.

Power to Magistrate to adjourn and remand.

Provided always, that the Magistrate may order the defendant to be brought up to attend such further hearing as aforesaid at any time prior to the expiration of the time for which he was remanded, and the officer, in whose custody he shall be, shall duly obey such order.

Proviso.

CCXVII. On the hearing of any complaint, if the complainant does not appear, or during the hearing if he appears, should the Magistrate be satisfied that the complaint was laid without grounds and from motives of gain or spite, it shall be lawful for the Magistrate to order the complainant to pay to the defendant any sum not exceeding £5 by way of amends for the expense, loss of time, and annoyance caused by the complainant to the defendant.

Power to Magistrate to amerce the complainant if charge is baseless.

CCXVIII. Any person who

Power to preserve order.

- (i.) wilfully assaults, resists, obstructs, or interferes with any officer of the Magistrate's Court or any Peace officer in attendance thereat in the performance of his duty at the Court;
- (ii.) within the room or place where the Magistrate is sitting wilfully misbehaves in a violent, threatening, obstructive, or disrespectful manner; or
- (iii.) wilfully insults the Magistrate or any officer of the Court during his sitting or attendance in Court;

shall be liable to be immediately apprehended by order of the Magistrate, and if the Court is then sitting or about to sit to be detained until the rising of the Court, and on enquiry and consideration then and there and without further trial to be punished for every such offence with a fine not exceeding £5, or with imprisonment, with or without hard labour, for not more than ten days in the discretion of the Magistrate.*

CCXIX. If any person assaults, resists, or obstructs any person lawfully executing any summons, warrant, writ, or other process issued by a Magistrate any Magistrate may issue his warrant for the arrest of such first-mentioned person, and shall cause him to be brought before him, and may order him to pay a fine not exceeding £5 or to be imprisoned for a period not exceeding one month with or without hard labour. Provided always, that every order made under this section shall be subject to appeal in the manner provided by this Act for appealing from a conviction.

Power to enforce execution of process.

Appeal.

CCXX. Where any person is punished under the last but one preceding section the Magistrate shall make and keep a minute recording the facts of the case and the extent of the punishment, and shall forthwith send a copy of such minute to the Colonial Secretary.

Minute to be recorded.

CCXXI. A person punished under Section 218 or Section 219 shall not be liable to a prosecution or action in respect of the same matter.

No person to be punished twice for the same offence

* See 60 Vic. c. 8, *post*, No. 4, of this Class, adding a proviso to this section.

Enforcement of order made under sections 218 and 219.

Penalty for extortion, &c.

Fees in summary proceedings.

Magistrate may dispense with the fee in certain cases.

Proviso as to police.

Proof by declaration of service of process of handwriting, &c.

Return of property taken from prisoner.

Disposal of fees, fines, &c.

Register of Court of Magistrate.

CCXXII. An order for imprisonment or an order for the payment of any money penalty made by a Magistrate under Section 218 or Section 219 may be enforced in the same manner as an order for imprisonment or an order for the payment of a fine upon a conviction.

CCXXIII. Where a person charged with the execution of a warrant of distress, or a writ of execution wilfully retains from the produce of any goods sold to satisfy the same, or otherwise exacts any greater costs and charges than those to which he is for the time being entitled by law, or makes any improper charge he shall be liable on summary conviction to a fine not exceeding five pounds, and the Magistrate may order him to repay to the proper person the amount so exacted or improperly charged as aforesaid.

CCXXIV. The sums set forth in the 3rd Schedule hereto shall be charged and paid in advance upon proceedings taken and had before a Magistrate on information or complaint. And it shall be lawful for the Magistrate to order any information or complaint to be entered, or any summons or warrant to be issued free of charge if he considers it expedient in the interest of justice to do so. And he shall return all fees paid in case any information or complaint for larceny or malicious injury to property shall be proved. Provided always that any charge preferred upon information or complaint by any Peace Officer in the discharge of his public duty shall be conducted without charge.

CCXXV. In a proceeding within the jurisdiction of a Magistrate, without prejudice to any other mode of proof, service on a person of any summons, notice, process, or document required or authorised to be served, and the handwriting and seal of any Magistrate or other officer or person on any warrant, summons, notice, process, or document may be proved by a solemn declaration taken before a Magistrate or before any person authorised to take declarations, and any declarations purporting to be so taken shall, until the contrary is shown, be sufficient proof of the statements contained therein, and shall be received in evidence in any Court or legal proceeding without proof of the signature or of the official character of the person or persons taking or signing the same;

The declaration may be in the form provided by a rule under this Act, and if any declaration made under this section is untrue in any material particular, the person wilfully making such false declaration shall be guilty of wilful and corrupt perjury.

CCXXVI. Where any property has been taken from a person charged before a Magistrate with any offence punishable either on information at the sessions or on summary conviction, a report shall be made by the police to such Magistrate of the fact of such property having been taken from the person charged and of the particulars of such property, and the Magistrate shall if of opinion that the property or any portion thereof can be returned consistently with the interests of justice and with the safe custody of the person charged, direct such property or any portion thereof to be returned to the person charged or to such other person as he may direct.

CCXXVII. All fees, fines, penalties, proceeds of forfeitures, and other monies coming into the hands of a Magistrate or a clerk to a Magistrate shall be paid by him into the Treasury at such times as the Governor may direct, except where otherwise provided by any other Act of the Colony. Provided always, that every unsalaried Magistrate shall be at liberty to take all fees of Court for his own use.

CCXXVIII. Every Magistrate or his clerk (if any) shall keep a register of the minutes or memoranda of all the convictions and orders of such Magistrate and of such other proceedings as are directed by a rule under this Act to be registered; and shall keep the same with such particulars and in such form as may be from time to time directed by a rule under this Act.

(2.) A full and true account shall be kept of every sum paid to the clerk or Magistrate under this Act, and the appropriation of such sum shall be entered and authenticated in such manner as may be from time to time directed by a rule under this Act.

(3.) Every such register shall be open for inspection without fee or reward by any Magistrate, or by any person authorised in that behalf by a Magistrate or by the Governor.

CCXXIX. (1.) The Chief Justice of the Supreme Court may from time to time make, rescind, alter, and add rules in relation to the following matters, or any of them; that is to say:

Power to make rules.

- (a.) The giving security under this Act;
- (b.) The regulating of all civil proceedings under this Act;
- (c.) The forms to be used under this Act;
- (d.) The regulating the form of the register and the account to be rendered by Magistrates or clerks of Magistrates of fines, fees, and other sums received by them, and providing for the discontinuance of any existing account rendered unnecessary by the aforesaid account;
- (e.) The regulating of the procedure on appeals by special case or otherwise under this Act; and
- (f.) Any other matter in relation to which rules are required to be made under or for the purpose of carrying this Act into effect.

(2.) The Chief Justice may, in the exercise of the power given him by this section, annul, alter, or add to any forms in use at the commencement of this Act relating to proceedings before Magistrates.

And all forms made by him under this Act shall be deemed good, valid, and effectual in law and sufficient for the purpose for which they are made.

(3.) Any rule purporting to be made in pursuance of this section shall be laid before the Governor in Council for consideration and approval, and when so considered and approved shall have the force and effect of the law.

CCXXX. All offences against any provision in the Acts of this Colony or the Imperial Acts relating to the Post Office, where the penalty prescribed does not exceed £20, may be punished summarily by a Magistrate under this Act, and this Act shall apply to all such offences.

As to offences relating to Post Office and revenue.

CCXXXI. Where by any past or future Act of the Colony any offence is directed or authorised to be prosecuted summarily, or under the Act of Assembly 12 Vic. c. 10, or "under the Magistrates' Summary Jurisdiction Acts," or any words are used implying that such offence is to be prosecuted summarily;

Application of this Act.

- or where any sum of money is directed or authorised to be recovered summarily;
- or where a Magistrate is authorised to order or require a person to do or abstain from doing any act or thing other than the payment of money;
- or where any thing is declared capable of being enforced summarily or by summary order;
- or where any amount is declared to be recoverable summarily as a civil debt;

then this Act shall apply accordingly, and such expressions as aforesaid shall mean and include this Act and any Act amending the same.

CCXXXII. Every person who, in any proceeding before a Magistrate, wilfully and knowingly gives false evidence shall be guilty of perjury.

Perjury.

Schedule I.

SCHEDULE I.

INDICTABLE OFFENCES WHICH CAN BE DEALT WITH SUMMARILY
UNDER THIS ACT.

FIRST COLUMN. Young persons consenting and adults pleading guilty.	SECOND COLUMN. Adults consenting.
<ol style="list-style-type: none"> Simple larceny where the value of the whole of the property alleged to have been stolen in the opinion of the Magistrate exceeds the amount or value of 40s. Offences declared by any Act for the time being in force to be punishable as simple larceny and not triable summarily under such Act. Larceny from or stealing from the person. Larceny as a clerk or servant. Embezzlement by clerk or servant. The obtaining by false pretences with intent to cheat or defraud money or personal property. Receiving money or personal property stolen (where such money or personal property in the opinion of the Magistrate exceeds the amount or value of 40s.), or obtained by false pretences with intent to cheat or defraud or stolen from the person or by a clerk or servant or embezzled knowing the same to have been so stolen or obtained or embezzled. Aiding, abetting, counselling, or procuring the commission of, or attempting to commit any of, the offences previously enumerated in this column. 	<ol style="list-style-type: none"> Offences declared by any Act for the time being in force to be punishable as simple larceny and not triable summarily under such Act where the value of the whole of the property alleged to have been stolen, destroyed, injured, or otherwise dealt with by the offender does not in the opinion of the Magistrate exceed 40s. Larceny from or stealing from the person where the value of the whole of the property alleged to have been stolen does not in the opinion of the Magistrate exceed 40s. Larceny as a clerk or servant where the value of the whole of the property alleged to have been stolen does not in the opinion of the Magistrate exceed 40s. Embezzlement by a clerk or servant where the value of the whole of the property alleged to have been embezzled does not in the opinion of the Magistrate exceed 40s. The obtaining by false pretences with intent to cheat or defraud money or personal property where the same does not in the opinion of the Magistrate exceed the amount or value of 40s. Receiving money or personal property stolen or obtained by false pretences with intent to cheat or defraud, or stolen from the person, or by a clerk or a servant or embezzled knowing the same to have been so stolen, obtained, or embezzled where the same does not in the opinion of the Magistrate exceed 40s. Aiding and abetting, counselling, or procuring the commission of, or attempting to commit any of the offences previously enumerated in this column.

SCHEDULE II.

Schedule II.

RULES OF COURT IN CIVIL PROCEEDINGS.

Rules.

1. All civil proceedings shall be commenced by application to a Magistrate for the issue of a summons. Commencement.
2. Rescinded. See Rules *post*.
3. The Magistrate shall file the summons, and issue to the applicant a copy under his hand and seal to be served on the Defendant. To be filed and copy served.
4. The Magistrate on application may issue summonses for the attendance of witnesses, and may in any such summons direct the production of any book or document which is shown to him to be material to the issue, and which is in the possession or control of the person to be so summoned. Summonses for witnesses and for production of document.
5. If upon the day of hearing mentioned in the summons either party fails to appear, the Magistrate may strike out the case or adjourn the hearing or, upon proof of service being given, proceed with the hearing as the justice of the case may require. Proceedings on hearing.
6. If any defence or counterclaim is raised at the hearing, to answer which, in the opinion of the Magistrate, the Plaintiff requires time for obtaining further evidence, he shall adjourn the hearing to a convenient day. Adjournments to meet counter-claim or set-off.
7. Except where admissions are made, the Magistrate shall require proof of the facts of the case before giving his decision, and he shall hear and determine the case according to the rules of law and equity prevailing in the Supreme Court. Proof required. Judgment according to law and equity.
8. Where the Magistrate finds that the amount due on a set-off or counterclaim exceeds the amount due to the Plaintiff, he may give judgment for the balance due to the Defendant. And where there are cross actions which can conveniently be heard together, the Magistrate may consolidate them and give judgment for the party to whom the larger amount is due. Judgment for defendant for balance. Cross actions.
9. The Magistrate may order any amount for which he gives judgment to be paid by instalments, and shall only issue execution accordingly. But on the Defendant failing to pay any instalment, he may issue execution for any balance due either of an instalment or of the judgment debt. Judgment debts payable by instalments. Execution.
10. Where it is shown to a Magistrate on oath that a debt is owing by a third party to a judgment debtor, the Magistrate may cause an order to be served on such third party (called the garnishee) attaching such debt in his hands for the satisfaction of the judgment debt, or any part thereof remaining unpaid, and requiring him to appear on a certain day and show cause why he should not pay to the judgment creditor the debt or part of the debt due to the judgment debtor. Garnishee order.
11. If the garnishee does not forthwith pay to the judgment creditor such debt or part of such debt as aforesaid, or if he appears and fails to show cause to the satisfaction of the Magistrate, or if he fails either to pay or to appear, the Magistrate may make such order as the justice of the case may require, and may issue execution against the garnishee for the enforcing of such order. Execution against garnishee.
12. The order to show cause shall bind the debt in the hands of the garnishee until it is obeyed or discharged. And payment by him to the judgment creditor shall operate as a valid payment to the judgment creditor. Order binds debt and payment discharges garnishee's liability.
13. Every writ of execution shall be under the hand and seal of the Magistrate, and shall be directed to a Peace Officer, commanding him to levy the amount mentioned in the writ of the goods of the person against whom it is issued. Writ of execution.

To be backed in
other district.

14. If no goods are found in the district, the Magistrate may send the writ to the Magistrate of any other district in which goods of the person against whom it is issued are likely to be found. And such last-mentioned Magistrate shall endorse the same with his name and the name of a Peace Officer in his district, and cause the writ to be executed as though it had been originally issued by him.

Seizure and sale.

15. A Peace Officer receiving a writ for execution shall, without delay, seize such of the goods of the person against whom the writ is issued, as may be lawfully taken in execution, and which are in the district of the Magistrate issuing or endorsing the writ (as the case may be), and after five clear days shall sell by auction so much of the same as is sufficient to satisfy the amount-mentioned in the writ and the costs of execution, and shall forthwith pay the amount realised to the Magistrate delivering to him the writ.

Application of
proceeds.

16. The Magistrate shall forthwith apply such amount in paying the costs of the execution and in satisfying the Plaintiff's claim, and if there is any balance shall pay the same to the person against whom the writ is issued.

When warrant
is backed.

17. In the case of a Magistrate who has endorsed a writ, such Magistrate shall pay the costs of the execution, and forward to the Magistrate issuing the writ the amount mentioned in the writ, and shall pay the balance, if any, to the person against whom the writ was issued, and the Magistrate issuing the writ, on receiving the amount forwarded to him, after satisfying any costs incurred in the execution of the writ, shall pay the same to the Plaintiff.

Execution on
land.

18. Where no goods can be found sufficient to satisfy the judgment and costs incident to the enforcing thereof, the Plaintiff may obtain a copy of the judgment from the Magistrate, endorsed by him with the date of the writ and statement as to the return made thereto, and may cause the same to be filed in the Supreme Court, and thereupon all proceedings may be taken in the Supreme Court for the realising of any land of the person against whom the writ is issued as though the judgment had been obtained in the Supreme Court on its Summary side.

Interpleader.

19. Where any claim is made within five days to any goods seized under a writ of execution by any person other than the person against whom the writ is issued, the Peace Officer shall not proceed to sell the goods (unless the goods are perishable and the Magistrate gives a special order in that behalf) but shall report the matter to the Magistrate who has delivered to him the writ, and the Magistrate shall thereupon summon the claimant to appear before him on a certain day to prove his claim, and shall give notice to the execution creditor thereof, and at the hearing shall either dismiss the claim or order the Peace Officer to withdraw or make such other order as the justice of the case may require.

Discovery of
debtor's assets.

20. The Magistrate may examine on oath any judgment debtor for the discovery of his property generally, and also a garnishee as to any debt due to the judgment debtor, and also any witnesses who can give material evidence in either case, and may summon any such person as aforesaid to attend for examination in that behalf on a convenient day.

Imprisonment
not discharge of
judgment debt.

21. No order for the imprisonment of a judgment debtor shall operate as an extinguishment of the debt or grounds of claim of any Plaintiff, or deprive any person of the right to obtain a writ of execution for the satisfaction of the debt.

Proof of means
on judgment
summons.

22. Proof of the means of a person making default in the payment of a judgment debt may be given in such manner as the Magistrate thinks just, and such person and any witness may be summoned and examined on oath as other witnesses may be summoned and examined.

23. Where goods have been distrained for rent or otherwise, any person claiming to have the same replevied shall give security approved by a Magistrate that he will commence an action of replevin within one month, and prosecute the same with effect and without delay, and make a return of the goods, if a return be adjudged, in such an amount as will cover the rent or damage in respect of which the distress was made, and the probable costs of the action.

Replevin.

24. The Magistrate shall thereupon issue a warrant to the person in whose custody are the goods distrained directing him to restore the same to the claimant.

Writ of replevin.

25. Service of any document shall be effected either by delivering the same personally to the person to whom it is directed, or, if he cannot be conveniently found, by leaving it with some adult inmate at his last or his most usual place of abode.

Service generally.

26. In the case of proceedings for the recovery of possession of land service on a person holding over shall be personal, but if the person holding over cannot be found, it shall be effected by posting the document on some conspicuous part of the premises which are the subject matter in dispute.

Under small tenements Act.

27. Where it is necessary to serve any document out of the district of any Magistrate the document may be delivered to the Magistrate of the district in which it is to be served; and such Magistrate shall forthwith cause the same to be duly served, and upon service being effected shall give a certificate under his hand and seal that service has been effected: and such certificate shall be *prima facie* evidence of the fact of service.

Service out of the district.

28. When any party requires any order to be made by a Magistrate he may apply to the Magistrate by motion, and if the motion is one of which the Magistrate is of opinion that the adverse party should have notice he shall adjourn the case and cause a notice of the motion and of the day on which the motion will be heard (not being less than a four days' notice) to be served on the adverse party, and may then proceed as in the case of a summons.

Motions.

RULES FRAMED BY THE CHIEF JUSTICE UNDER THE AUTHORITY OF THE 29TH SECTION OF "THE MAGISTRATES ACT, 1896."

29. Rule 2 of the Rules of Procedure comprised in Schedule II. to "The Magistrates Act, 1896," is hereby rescinded.

30. The following shall hereafter be read and adopted as Rule 2 of the aforesaid rules:

Rule 2. The summons shall contain the names and addresses of the parties and the day on which the defendant is to appear. In the case of a summons issued in the Island of New Providence where the defendant resides therein the day of appearance shall not be less than 5 days or more than 30 days after the issue of the summons, and where the defendant resides on an out-island, the day of appearance shall not be less than 14 days or more than 42 days after the issue of the summons. In cases where a summons is issued at an out-island by the Magistrate of the District the day of appearance shall not be less than 5 days or more than 20 days after the issue of the summons.

In cases where a summons is issued by a Stipendiary and Circuit Magistrate while on Circuit the day of appearance shall not be less than 24 hours or more than 5 days after the issue of the summons.

Approved 18th January, 1899.

Schedule III.

SCHEDULE III.

Court fees in criminal matters.

COURT FEES IN CRIMINAL MATTERS.

	£	s.	d.
For entering an information or complaint	0	1	0
For every summons to a Defendant	0	1	0
For every summons to a witness	0	0	6
For every hearing	0	1	0
For every search warrant	0	1	0
For every warrant of distress	0	1	0
For every recognisance to keep the peace or for good behaviour	0	2	0
For every recognisance on an appeal	0	2	0

Fees in civil proceedings.

FEES IN CIVIL PROCEEDINGS.

Court Fees.

Summons and copy	0	1	0
Summons for witness	0	1	0
Hearing fee	0	1	0
Writ of execution	0	1	0
For taking any affidavit or declaration not intended to be used on any criminal charge and attesting the same .. }	0	4	0

Officers' fees.

OFFICERS' FEES.

Service of a summons or other document within a mile of the Magistracy	0	0	9
Extra mileage per mile	0	0	4
Seizure of property under writ of execution	0	1	6
Levy fee 5 per cent. on the net proceeds of the sale.			

Schedule IV.

SCHEDULE IV.*

	Date.	Title.	Extent of Repeal.
1	10 Vic. c. 11.	An Act for the better regulating of appeals in case of summary convictions.	The whole Act.
2	12 Vic. c. 7.	An Act to protect Justices of the Peace from vexatious actions for acts done by them in the execution of their office.	The whole Act.
3	12 Vic. c. 9.	An Act to facilitate the performance of the duties of Justices of the Peace with respect to persons charged with offences punishable in the General Court or other Superior Court of criminal justice.	The whole Act.
4	12 Vic. c. 10.	An Act to facilitate the performance of the duties of Justices of the Peace with respect to summary convictions.	The whole Act.
5	21 Vic. c. 12.	An Act to amend an Act entitled "An Act to protect Justices of the Peace from vexatious actions for acts done by them in execution of their office."	The whole Act.
6	23 Vic. c. 22.	An Act to improve the administration of the law so far as respects summary proceedings before Justices of the Peace.	The whole Act.
7	23 Vic. c. 25.	An Act to consolidate the laws relating to the recovery of small debts and damages on the out-islands of the Bahamas Government.	The whole Act.

* See 60 & 61 Vic. c. 37, sec. 3, which amends this Schedule.

SCHEDULE IV.—*continued.*

	Date.	Title.	Extent of Repeal.
8	28 Vic. c. 3.	An Act for amending the Statute law of the Bahama Islands relating to offences against the person.	Sec. 35, 65, and 69.
9	28 Vic. c. 31.	An Act to amend the Statute law of the Bahama Islands relating to malicious injuries to property.	Sec. 46 to 54 inclusive.
10	28 Vic. c. 37.	An Act to amend the Statute law of the Bahama Islands relative to Larceny and other offences connected therewith.	Sec. 92, 93, 94, 95, 99, and 102.
11	35 Vic. c. 7.	An Act to amend the laws regulating the jurisdiction and powers of salaried Justices of the Peace.	The whole Act.
12	35 Vic. c. 11.	An Act to amend Act 28 Vic. c. 37, relative to larceny and other offences connected therewith.	The whole Act.
13	36 Vic. c. 11.	An Act to consolidate the Acts of Assembly relating to fees to be charged on Magisterial proceedings.	The whole Act.
14	36 Vic. c. 15.	An Act to consolidate the law relating to Police regulations.	Sec. 34, 48, 49, 50, 51, and 53, and also s. 33 from the words "Summary way" in the 5th line to the end of the section.
15	38 Vic. c. 2.	An Act to amend the Act 28 Vic. c. 37, entitled "An Act to amend the Statute law of the Bahama Islands relative to Larceny and other offences connected therewith."	Sec. 3, 4, 5, and 6.
16	38 Vic. c. 7.	An Act for amending the law relating to the administration of Criminal Justice.	Sec. 1, 2, 3, 4, and 7.
17	39 Vic. c. 12.	An Act to amend Act 36 Vic. c. 11 as to fees payable on Magisterial proceedings.	The whole Act.
18	43 Vic. c. 19.	An Act to amend the law relating to the Summary Jurisdiction of Magistrates.	The whole Act.
19	44 Vic. c. 9.	An Act to amend "The Summary Jurisdiction Act, 1880."	The whole Act.
20	48 Vic. c. 16.	An Act to improve the administration of Justice.	Sec. 3 to 17 inclusive.
21	50 Vic. c. 7.	An Act to extend the jurisdiction given to Justices of the Peace in civil matters by the Act 23 Vic. c. 25.	The whole Act.
22	51 Vic. c. 19.	An Act to amend the law relating to the maintenance of married women who shall have been deserted by their husbands.	The whole Act.
23	53 Vic. c. 3.	An Act to amend "The Administration of Justice Act, 1885."	The whole Act.
24	53 Vic. c. 12.	An Act to extend the powers of Justices of the Peace within the Bahama Islands and for other purposes.	Sec. 2, 3, 4, 5, and 7.

No. 4.

60 Vic. c. 8. *An Act to amend "The Magistrates Act, 1896."*
(Assented to 14th April, 1897.)

Title of Act.

I. This Act may be cited for all purposes as "The Magistrates Act Amendment Act, 1897."

Meaning of the words "principal Act."

II. Wherever the words "principal Act" appear in this Act they shall be held to mean and refer to "The Magistrates Act, 1896."

III. Repealed by 62 Vic. c. 16.

Amends Section 218 of "The Magistrates Act, 1896."

IV. In reading the two hundred and eighteenth section of the principal Act, when the same commences and comes into operation, the words "and the decision of a Magistrate under this section shall be without appeal" in the nineteenth and twentieth lines of such section shall be omitted and the following proviso shall be inserted and read in lieu thereof:

Provided always that every order made under this section shall be subject to appeal in the manner provided by this Act for appealing from a conviction.

No. 5.

60 and 61 Vic. c. 37. *An Act further to amend "The Magistrates Act, 1896."* (Assented to 14th July, 1897.)

Short title.

I. This Act may be cited for all purposes as "The Magistrates Act Amendment Act, 1897 (No. 2)."

Meaning of "principal Act."

II. Wherever the words "principal Act" are used in this Act they shall be held and construed to mean and refer to "The Magistrates Act, 1896."

Amends.

III. In reading hereafter the Schedule IV. to the principal Act the figures and words "35 Vic. c. 2," and "53 Vic. c. 13," shall be omitted from the first column thereof: and the figures and words "38 Vic. c. 2," and "53 Vic. c. 12," shall be inserted and read respectively in lieu thereof: and there shall be included in such schedule and read as repealed the 8th Section of the Act of Assembly, 35 Victoria, c. 6.

No. 6.

61 Vic. c. 22. *An Act further to amend "The Magistrates Act, 1896," and for other purposes.* (Assented to 31st May, 1898.)

Short title.

I. This Act may be cited for all purposes as "The Magistrates Act Amendment Act, 1898," and shall be construed with and forming part of the principal Act.

Meaning of words "principal Act."

II. Where the words principal Act are used in this Act they shall be held and construed to mean and refer to "The Magistrates Act, 1896."

Stipendiary and Circuit Magistrates given jurisdiction to conclude and perfect unsettled causes in Court Common Pleas, where amount does not exceed £10.

III. From and after the passing of this Act the Stipendiary and Circuit Magistrates in New Providence shall respectively have jurisdiction to conclude and perfect any cause, matter, or proceeding which at the time of the coming into operation of the principal Act remained unsettled in the Court of Common Pleas, wherein the amount recovered or the value of the property does not exceed the sum of Ten Pounds.

How proceedings shall be had and taken.

IV. Proceedings in respect to such causes, matters, or proceedings shall be had and taken in the same manner as if the cause, matter, or proceeding of the Court of Common Pleas then being dealt with had

been commenced and carried on up to the point at which it is being dealt with by the Stipendiary and Circuit Magistrate under the provisions of the principal Act.

V. On and after the passing of this Act in matters relating to seizures under the Revenue Laws of the Colony made in the Island of New Providence where the value of the articles seized does not exceed Ten Pounds, proceedings for condemnation shall be taken before a Stipendiary and Circuit Magistrate instead of in the Supreme Court.

VI. The jurisdiction of a Magistrate on an out-island in matters relating to seizures under the Revenue Laws of the Colony, made within his District, shall be and is hereby limited to cases in which the value of the articles proceeded against does not exceed the sum of Ten Pounds.

VII. So much of the 190th Section of "The Revenue Consolidation Act, 1873," as is inconsistent with this Act is hereby repealed.

Matters relating to seizures, where value does not exceed £10, to be dealt with by a Stipendiary and Circuit Magistrate.

Limits jurisdiction of out-island Magistrates in matters relating to seizures. Repeal.

No. 7.

62 Vic. c. 16. *An Act further to amend "The Magistrates Act, 1896."*
(Assented to 20th April, 1899.)

WHEREAS it has been found that the period of time limited by Section 131 of "The Magistrates Act, 1896," within which civil proceedings shall be initiated, is too short, and it is desirable that the usual period of limitation in such proceedings should be restored; May it, &c.

I. Section 131 of "The Magistrates Act, 1896," and section 3 of "The Magistrates Act Amendment Act, 1897," are hereby repealed.

PREAMBLE.

Repeals.

No. 8.

62 Vic. c. 29. *An Act further to amend "The Magistrates Act, 1896," and repeal the Act of Assembly, 62 Vic. c. 1.* (Assented to 20th May, 1899.)

I. The Act of Assembly, 62 Vic. c. 1, is hereby repealed.

II. Where the words "principal Act" are used in this Act they shall be read and construed to mean "The Magistrates Act, 1896."

III. In reading hereafter section 96 of the principal Act which is hereby revived the words "or young person" in the first line of the first paragraph shall be omitted.

IV. The following shall be substituted for and read in lieu of section 97 of the said principal Act, which is hereby repealed:—

"An adult or young person convicted under this Act shall be liable to be imprisoned, with or without hard labour, for a period not exceeding in the case of an adult six months, and in the case of a young person not exceeding one month, or to pay a fine in the case of an adult not exceeding £20, and in the case of a young person not exceeding £5."

V. In section 98 of the said principal Act the words "in lieu of such imprisonment or fine" shall be inserted and read between the words "may" and "send" in line two.

Repeal.

Definition.

Revives and amends Section 96 of "The Magistrates Act, 1896."

Substitute for Section 97 of "The Magistrates Act, 1896."

Amends Section 98 of "The Magistrates Act, 1896."

CLASS XI.

CONSTABULARY AND POLICE FORCES.

No. 1.

23 Vic. c. 5. *An Act to consolidate and amend the Laws relating to the unpaid Constabulary Force of the Colony.* (12th April, 1860.)

Police and other magistrates empowered to appoint constables yearly.

I. That it shall be the duty of the respective police magistrates or other stipendiary magistrates of the colony, in districts where such officers are stationed, and in districts or parts of districts where there are no such officers at the time, for the Resident Justices of the Peace, or any two or more of them, or where there shall be only one Justice of the Peace resident there, for such one justice, in the month of December, in this and every succeeding year, to appoint constables for the different islands, towns, and districts within the colony, in the numbers set forth in the schedule to this Act annexed; and, for that purpose to cause any number of persons, not less than double the number of constables, to be appointed for the particular island, town, or district for which the magistrate or justice, or Justices of the Peace, are for the time being acting, being residents of such particular island, town, or district, and being between the ages of sixteen and fifty, and not being members of Council, members of the House of Assembly, Justices of the Peace, or persons otherwise exempted from serving on juries, to be summoned to appear before him or them, at a place, day and hour to be appointed for the purpose: and that, from the names of the person so summoned, a sufficient number shall be drawn to serve as constables for the ensuing year, who shall be sworn in to act as constables for preserving the peace, preventing robberies and other felonies, and for apprehending offenders; and every man so sworn in shall have all the powers, authorities, privileges, and protection as constables have at common Law, or under any statute or Act of Assembly now or hereafter to be in force within the colony.

Penalty on persons refusing to attend when summoned, or to serve when appointed.

II. That if any person, liable to serve as a constable under this Act, after being duly summoned as aforesaid, shall neglect or refuse to appear before the Magistrate, Justice, or Justices of the Peace (as the case may be), or having appeared shall decline to take the oath of office, or having taken such oath shall afterwards refuse or wilfully neglect to discharge the duties of a constable, every such person so offending shall be liable to a fine of three pounds, to be recovered under the hand and seal of any Justice of the Peace; and, in default of payment of the same, with reasonable costs, as in the like cases, every such defaulter shall be liable to be imprisoned for any space of time not exceeding thirty days.

Provision for filling death, and other vacancies.

III. That if at any time after the appointment of constable for any island, town, or district as aforesaid, and before the expiration of twelve months for which such constables shall have been drawn and sworn to serve, any one or more of such constables shall die, or remove from the island, town, or district for which he or they were so drawn and sworn to serve as aforesaid, it shall be lawful for the police magistrate or resident justice or justices aforesaid, as the case may be, to proceed in manner aforesaid, to the appointment of another person or persons, as constable or constables, in the place of the constable or constables so dying or removing as aforesaid, to serve for the residue of the term for which the person or persons so dying or removing was or were originally drawn to serve.

IV. That in all cases where it shall be made to appear to any Justice or Justices of the Peace acting for any island or district within this government, by information on oath or otherwise, that any felony or breach of the peace had been committed, taken place, or is likely to take place, and may reasonably be apprehended, and that it is necessary for the protection of life or property, or for the better apprehension of offenders that the constabulary force of any particular island, town or district should be temporarily strengthened, it shall be lawful for such justice or justices to call upon, nominate, and appoint—by precept in writing under his or their hand or hands, any householders or other persons (not legally exempt from serving as a constable under this Act) residing within their respective jurisdictions, to act as special constables for such time and in such manner as to the said justice or justices shall seem fit and necessary for the preservation of the public peace, the protection of property, and the prevention or suppression of crime; and to swear them in as such accordingly, and any person so appointed shall have the same protection and powers as any other constable appointed under this Act.

Power of justices to appoint special constables.

V. That in case any person, not legally exempted as aforesaid, being so called upon, nominated, and appointed by any such justice or justices as aforesaid, shall neglect or refuse to take upon himself the office, and to act as such special constable, every such person so neglecting or refusing shall be liable to such and the same fines, penalties, and punishments as persons refusing to take upon themselves the office of constable are, by the preceding provisions of this Act, subjected to.

Penalty on persons refusing to serve as special constables.

VI. That it shall and may be lawful for the Governor from time to time to authorise the payment of such reasonable allowances for his time, trouble, and necessary expenses, to be made to every person called upon to act, and acting as a special constable under the authority of this Act, as to the Governor in Council shall seem fit, not exceeding four shillings by the day, which allowance, on the services being duly certified to have been performed shall be paid out of the public treasury of these islands, by warrant, in the usual manner, to the person empowered to receive the same.

Special constables may be paid reasonable expenses.

VII. That if any question shall arise as to the right of any constable to act as such under this Act, common reputation shall, to all intents and purposes, be deemed and held to be sufficient evidence of such right.

Evidence of right to act as constable.

SCHEDULE.

Town of Nassau, four.

Grant's Town and other southern suburbs of Nassau, four.

Eastern district of New Providence so far as the parish of St. Matthew extends, four.

Same district so far as the parish of St. Anne extends, four.

Western district of New Providence, four.

Southern suburbs of the western district, four.

Every town or settlement on the out-islands, three.

No. 2.

24 Vic. c. 4. *An Act to amend the Act 23 Vic. c. 5, for consolidating and amending the Laws relating to the unpaid Constabulary Force of the Colony.* (19th April, 1861.)

I. That if any person appointed to act as constable under the Act to which this Act is an amendment, shall, during the period for which he may be appointed so to act, die, or remove from the island, town, or

Provision for appointment of constables in case of death, removal, or

omission of
appointment.

district for which he was appointed to act as a constable, and cease to be there resident, or if any omission shall take place in the appointment of constables under the said Act within the time by the said Act limited for such appointment being made, it shall be the duty of the proper magistrate, or other justice or justices, authorised by the said Act, to appoint constables on such vacancy, or omission becoming known to him, or them, to proceed without delay to appoint a constable, or constables, as the case may be, to serve for the residue of the then current year, for the particular island, town or district for which such vacancy shall have occurred, or such omission to appoint have taken place.

Protection to
constables.

II. That all constables appointed under this Act, or the Act to which it is an amendment, shall be entitled to the same protection as is extended by the Act of the last Session of Assembly, chapter four, to the stipendiary police force of the colony; and any person who shall abuse, resist, improperly or unduly impede, or assault any such constable, while in the execution of his duty, as a constable, shall, on conviction, be liable to the same punishment as if the offence of which he was convicted had been committed in reference to a member of the stipendiary police force aforesaid.

No. 3.

48 Vic. c. 5. *An Act to amend the Law relating to the unpaid Constabulary Force of the Colony.* (Assented to 16th March, 1885.)

PREAMBLE.

WHEREAS by the Act of Assembly, 23 Victoria, chapter 5, authority is given to the various Magistrates of the Colony to appoint annually, within their respective districts, a certain number of persons to act as constables for the preservation of the Peace, preventing robberies and other felonies, and for apprehending offenders:

AND WHEREAS it is desirable to vest in the said Magistrates the power of increasing the number of constables limited by the Schedule to the said Act; May it, &c.

Number of
unpaid con-
stables may be
increased.

I. From and after the passing of this Act the Magistrates and Justices mentioned in the Act of Assembly, 23 Victoria, chapter 5, in addition to the powers conferred upon them by such Act, shall, whenever in their opinion it may be necessary and proper to increase the number of unpaid constables within their respective districts, have the power and authority to summon and appoint other persons within the ages mentioned in the aforesaid Act, and not exempted thereunder, to act as constables in their said districts for and during the year in which they may be appointed.

Their powers, &c.

II. That the number of constables appointed by virtue of this Act shall not in any year exceed four for each district set forth in the Act of Assembly, 23 Victoria, chapter 5, and the persons so appointed shall have the same powers and authorities, privileges, and the like protection as are enjoyed by constables drawn under the Act of Assembly, 23 Victoria, chapter 5.

Application.

III. The second section of the Act 23 Victoria, chapter 5, shall apply to persons summoned and appointed under this Act.

How dismissed.

IV. All constables appointed under this Act or drawn under the Act, 23 Victoria, chapter 5, shall be liable to be dismissed from their office upon proof of any misconduct on their part being afforded to the Magistrates and Justices aforesaid.

V. That if at any time after the appointment of constables under this Act, and before the expiration of the period for which they shall have been appointed any of them shall die or remove from the locality of the district in which they resided when appointed for such district, or be dismissed for misconduct, it shall be lawful for the Magistrates and Justices aforesaid to appoint other persons in their stead.

Vacancy may be filled at any time.

No. 4.

52 Vic. c. 21. *An Act to consolidate and amend the Law relating to the Police Force of the Colony.* (Assented to 23rd May, 1889.)

I. The Provost Marshal of these Islands shall be *ex officio* Inspector of the Stipendiary Police Force of the Colony.*

Provost Marshal -
ex officio Inspector of Police.
Of whom Police Force shall consist.

II. The said Force shall also consist of a sub-inspector, one sergeant, two corporals, and of the several constables hereinafter designated, all of whom shall respectively have and receive the salaries attached to their respective offices, in the schedule hereto annexed.†

III. The ordinary distribution of the Police Force shall be as follows: Distribution.

City of Nassau and Suburbs.

The inspector, the sub-inspector, the sergeant, two corporals, and thirty-two constables.‡

ELEUTHERA.

Governor's Harbour.—Two constables.

HARBOUR ISLAND.

Two constables.

ABACO.

Green Turtle Cay.—One constable.

INAGUA.

Two constables.

FORTUNE ISLAND.

One constable.

Provided, however, that it shall be lawful for the Governor at any time in his discretion to alter the distribution of the said Police Force, and to station constables at such of the out-islands of the Colony as he may think proper, and also to station local constables at the City of Nassau; and provided also that the officers and men of the said Force shall be liable from time to time to be sent to any part of the Colony in which their services may for the time be temporarily or otherwise required.§

Proviso.

* These offices are separated, prospectively, by 58 Vic. c. 32, Sec. 5.

† By Sec. 3 of 57 Vic. c. 3, the words "sub-inspector" throughout this Act are to be omitted, and the words "sergeant-major" substituted and read therefor.

‡ The number of constables to be stationed at Nassau is prospectively reduced to 14 as vacancies occur. See 11th Section 58 Vic. c. 32.

§ This section originally provided for local constables at various settlements of the colony, but by 53rd Section of 54 Vic. c. 14, so much of this Act as relates to local constables is repealed. Such constables are now dealt with under the Act 54 Vic. c. 14.

Constables in Nassau to attend on General Court.

IV. The police force stationed at Nassau shall, in addition to the duties otherwise required of them by law, be also liable to perform the duties of constables in attendance on the General Court; and the Inspector shall from time to time detail off a sufficient number of men for such service.

Out-island constables to act as gaolers.

V. The several constables at the out-island districts, whenever thereto required by the Resident Justice or Assistant Resident Justice of the district, or in the absence of a Resident or Assistant Resident Justice, by any other Justice of the Peace, shall act as gaolers for their respective districts.

Policemen invested with powers of tide-waiters.

VI. The police officers and constables aforesaid shall, with a view to the better protection of the revenue, be, and they are hereby declared to be, invested with all and singular the powers of tidewaiters to prevent smuggling, and shall be entitled to the same protection.

Qualification and duty of constables.

VII. No person shall be appointed to the police force who cannot read distinctly, and write legibly, and every member of the said force shall be sworn before a Justice of the Peace, or by and before the Inspector to act as a constable for the entire Colony in preserving the peace, for preventing the commission of crime, and for discovering and detecting the perpetrators of felonies and other criminal offences, and for apprehending the offenders therein; and they shall respectively have all such powers, authorities, privileges, and advantages, and shall be liable to all such duties and responsibilities as constables now have, or hereafter may be invested with, either by the Common Law, or by virtue of any Act of the General Assembly, or Statute of the Imperial Parliament, now or hereafter to be in force within these Islands: Provided always, that if any questions shall arise as to the right of any inspector, sub-inspector, sergeant, corporal, or constable, to hold or execute any such office respectively, common reputation shall to all intents and purposes be deemed and held to be sufficient evidence of such right, and it shall not be necessary to produce any appointment, or any oath, affidavit, or other document, or matter whatsoever to prove any qualification in support of such right.

Duty of physician to force.

VIII. and IX. Repealed by 53 Vic. c. 17.

X. It shall be the duty of the Physician to the Force to inspect and subject to a medical examination all men entering the said Force, and to make a report on their state of health and physical condition to the Inspector.

Distribution of force between station houses.

XI. and XII. Repealed by 53 Vic. c. 17.

XIII. The several station houses heretofore established in the Island of New Providence, and in use at the time of the passing of this Act, shall continue to be used as station houses and the distribution of the force between such station houses shall, from time to time, be regulated by the inspector.

Constables may be punished for neglect of duty.

XIV. Whenever any member of the said police force shall be guilty of any neglect or violation of duty in his office, or shall violate or neglect to carry out any of the regulations framed for the government of the said force, or shall refuse to obey any order lawfully issued by the inspector, or other his superior officer, it shall be lawful for the inspector, instead of laying a charge against the offender before a Justice of the Peace, as hereinafter provided for, to investigate the case himself, and on being satisfied of the misconduct of the party, to punish him by one or other of the methods following; that is to say, by causing him to be confined in any place which may be approved of by the Governor, for any term not exceeding fourteen days, or by mulcting him of his pay to an amount not exceeding forty shillings.

Rules to be made for general government of the force.

XV. In order to provide for one uniform system of rules and regulations for the government of the entire police force of the colony: Be it enacted, that the inspector shall, from time to time, subject to the

approbation of the Governor in Council for the time being, frame such rules and regulations as he shall deem expedient for the general government of the said police force, their distribution, and inspection, the description of arms, accoutrements, and other necessities to be furnished to them, their attendance in barracks and admissions into, and regulations while in hospital; also for providing medicines and medical attendance to men stationed at an out-island, and all such orders and regulations relative to the said police force as the said inspector shall from time to time deem expedient, for preventing neglect or abuse, and for rendering such force efficient in the discharge of all its duties. And the inspector may at any time suspend from his employment any man belonging to the said police force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; and shall thereupon notify the fact with the cause of such suspension to the Governor for confirmation, or otherwise, as to the said Governor shall seem right and proper; and when any man shall be so suspended, or otherwise cease to belong to the said police force, all powers vested in him as constable by virtue of this or any other Act, shall immediately cease and determine. Provided that all rules and regulations in force at the time of the passing of this Act shall continue in force, and shall have the same validity as if made under this Act.

XVI. No sub-inspector, sergeant, corporal, or constable shall be at liberty to resign his office, or withdraw himself from the duties thereof, unless especially authorised so to do in writing by the inspector, or unless he shall give to such inspector six months' notice of his intention so to resign or withdraw; and if any such sub-inspector, sergeant, corporal, or constable shall so resign or withdraw himself without such previous permission or notice, he shall, for such offence, forfeit and pay a penalty not exceeding five pounds on conviction before any one Justice of the Peace, and shall also forfeit all arrears of pay which shall be due to him at the time of conviction; and it shall and may be lawful for such justice, in case such penalty shall not be paid, to commit such person to prison for any period not exceeding thirty days, there to be kept at hard labour, and all penalties so to be levied shall be paid to the Receiver-General of these islands to be applied in aid of the General Revenue of the Colony.*

Members of force not to resign without permission or notice.

XVII. When any member of the said police force shall be dismissed from, or shall otherwise cease to hold and exercise his office, all powers and authorities vested in him under this Act, or otherwise, shall immediately cease and determine, to all intents and purposes whatever; and if he shall not, within twenty-four hours after he shall be dismissed from or cease to hold and exercise his office, deliver over all and every the arms, ammunition, and accoutrements, clothing and other appointments whatsoever which may have been supplied to him for the execution of such office to such person, and at such time and place as shall be directed by the inspector, he shall, upon proof thereof before a Justice of the Peace, be subject and liable to imprisonment in any lawful prison for any period not exceeding thirty days, and to be there kept at hard labour as such Justice of the Peace may in his discretion direct; and it shall be lawful for such Justice of the Peace, and he is hereby authorised and required to commit every such offender accordingly, and to issue his warrant to search for and seize all and singular the arms, ammunition, accoutrements, clothing, and other appointments whatsoever which shall not have been so delivered over as aforesaid, wherever the same shall be found.

Constables on dismissal or resignation to give up arms, &c.

XVIII. If any member of the said police force shall be guilty of any neglect or violation of duty in his office, or shall neglect or refuse

Constables may be punished for neglect of duty.

* See footnote † to Sec. 2.

to obey and execute any warrant duly delivered to him for execution, or shall violate or neglect to carry out any of the orders and regulations framed as hereinbefore mentioned, or shall refuse or neglect to obey any other order, lawfully issued by the inspector, or other his superior officer, or shall be guilty of any other misconduct in his office, he shall for every such offence, on conviction thereof before a Justice of the Peace, forfeit and pay a penalty not exceeding five pounds, and the amount of such penalty shall and may be deducted from and out of any salary accruing due to such offender, upon a certificate thereof to be by the justice before whom the conviction takes place transmitted to the Receiver-General and Treasurer of the Colony; and it shall and may be lawful for such justice, in case such penalty shall not be paid, to commit such person to any lawful prison for any period not exceeding thirty days to be kept to hard labour.

Penalty on persons not appointed having in possession Police arms, &c., or assuming the dress.

XIX. If any person not appointed or acting under this Act shall have in his possession any arms or ammunition, or any article of clothing, accoutrements, or appointments supplied to any person under this Act, and shall not be able satisfactorily to account for his possession thereof, or shall put on or assume the dress, name, designation, or description of any person or persons, or any class of persons appointed under this Act, for the purpose of unduly obtaining admission into any house, or other place, or of doing or procuring to be done any other act which such person or persons so putting on or assuming such dress, name, designation, or description would not by law be entitled to do, or procure to be done, of his or their own authority; every such person so offending shall, in addition to any other punishment to which he may be liable for such offence, forfeit and pay for every such offence any sum not exceeding ten pounds, to be recovered by distress and sale of the goods and chattels of such offender on conviction before a Justice of the Peace, or in default of payment thereof, shall be imprisoned with hard labour for any period not exceeding three months; and every such penalty shall be paid over to the said Receiver-General and Treasurer to be applied in aid of the General Revenue of the Colony.

Fines may be deducted from pay.

XX. In case of the dismissal of any person entitled to any salary under this Act, and the imposition upon him of any fine or penalty under the provisions of this Act, it shall be lawful to retain and deduct the amount thereof from and out of the salary due to such person at the time of his dismissal.

Power of Police to take bail in certain cases.

XXI. When any person charged with any misdemeanor or felony of a minor character shall be brought without a warrant of a Justice of the Peace into the custody of any member of the police force, having charge at any police station, it shall be lawful for such inspector, sub-inspector, sergeant, corporal, or constable, as the case may be, if he shall deem it prudent, to take bail by recognisance without any fee or reward from such person, conditioned that such person shall appear for examination before a Justice of the Peace, at some place to be specified in the recognisance; and every recognisance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for estreating thereof, as if the same had been taken before a Justice of the Peace, and the name, residence, and occupation of the party and his surety or sureties (if any) entering into such recognisance, together with the condition thereof, and the sums respectively acknowledged, shall be entered into a book, to be kept for that purpose, which shall be laid before the justice or justices present at the time and place when and where the party is required to appear; and if the party do not appear at the time and place required, or within one hour at the expiration of such time, the justice shall cause a record of the recognisance to be drawn up, and shall forthwith return the same to the office of the Clerk of the Crown at Nassau, with a certificate endorsed

thereon, signed by such justice, that the party or parties have not complied with the obligation therein contained; and it shall be the duty of the Clerk of the Crown to cause proceedings to be taken according to the amount of such recognisance, either in the General Court or in the Court of Common Pleas, for estreating such recognisance in the same and the like manner as other recognisances taken before Justices of the Peace are estreated. Provided, however, that if the party not appearing shall apply by any person appearing on his behalf to postpone the hearing of the charge against them, and the justice shall see fit to consent thereto, the justice shall be at liberty to enlarge the recognisance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint or by binding the party over to answer the matter thereof, at the general or other court, having jurisdiction of the offence or otherwise, the recognisances for the appearance of the party before a justice shall be discharged without fee or reward.*

XXII. In every recognisance entered into as aforesaid, the time at which the party entering into any such recognisances is to appear before a magistrate shall be specified in the condition of such recognisance, to be at the next sitting of such magistrate, and the hour named shall be one at which such magistrate usually sits for the discharge of his magisterial duties.

Recognisances must state time for the appearance of parties.

XXIII. When any warrant of any magistrate or magistrates, or of any coroner or other judicial officer, shall be delivered to any member of the said police force, he shall, if the time will permit, show or deliver the same to the inspector or other officer under whose immediate command he shall then be, and such inspector or other officer shall nominate and appoint by indorsements thereon such one or more of the constables under his orders as he shall think proper to execute such warrant; and every constable whose name shall be so indorsed, and every person assisting him in the execution of such warrant, shall have all and every the same rights, powers, and authorities, for and in the execution of every such warrant, as if the same had been originally directed to him or them expressly by name.

Warrants, how to be executed.

XXIV. When any action shall be brought against any inspector, sub-inspector, sergeant, corporal, or constable for any act done in obedience to the warrant of any magistrate, such officer shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction in the magistrate issuing the same, and such officer may plead the general issue, and give such warrant in evidence, and upon producing such warrant and proving that the signature thereto is in the handwriting of the person whose name shall appear subscribed thereto, and such person is reputed to be and acts as a magistrate for the Bahama Islands, or for any island or district therein, as the case may be, and that the act complained of was done in obedience to such warrant, such officer shall be entitled to have a verdict entered for him, and shall receive his costs of suit; and every such inspector, sub-inspector, sergeant, corporal, or constable shall be further entitled to the protection and privileges afforded to constables by the 13th section of the 12 Victoria, chapter 7.*

Constables not responsible for irregularity in warrants.

XXV. If any victualler or keeper of any house, shop, room, or other place for the sale of any liquor, whether spirituous or otherwise, shall knowingly harbour or entertain any man belonging to the said police force, or permit such man to abide and remain in his house, shop, room, or other place during any part of the time appointed for his being on duty, every such victualler or keeper as aforesaid being convicted thereof before any one Justice of the Peace, shall for every such offence

Penalty for harbouring constables on duty.

* See footnote † to Sec. 2.

Penalty for
assaulting con-
stables.

forfeit and pay such sum not exceeding five pounds as the convicting justice shall think fit.

XXVI. If any person shall abuse, resist, improperly or unduly impede, or assault any member of the said police force whilst on duty, or shall aid or incite any other person so to do, every such offender shall, on conviction before a Justice of the Peace, be fined any sum not exceeding ten pounds, or in the discretion of the convicting magistrate shall be liable to be committed to prison, with or without hard labour, for any term not exceeding three months.

Protection of
persons acting
under this Act.

XXVII. And for the protection of persons acting in the execution of this Act; Be it enacted, that all and singular the provisions of the Acts of Assembly, 12 Victoria, chapter 7, and 21 Victoria, chapter 12, relating to the period within which actions can be brought against Justices of the Peace, the mode of pleading by the defendants, the notice of action, the proceedings at the trial of such actions, and the respective rights of the plaintiff and defendant shall extend to and apply to persons acting in pursuance of this Act.

Fines how
enforced.

XXVIII. The Justices of the Peace by whom any person shall be convicted and adjudged to pay any sum of money for any offence against this Act, may adjudge that such person shall pay the same either immediately or within such period as he shall think fit, and that in default of payment at the time appointed he shall be imprisoned, and be kept to hard labour for any time not exceeding two calendar months, where the sum to be paid shall not exceed five pounds, and for any term not exceeding four calendar months in any other case: the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

Governor may
pay from Treas-
ury expenses
incurred under
this Act.

XXIX. It shall be lawful for the Governor by warrant under his hand to direct the issue out of the public treasury of all money which may be necessary and requisite for the payment of the salaries of the said police force, and for the purchase of all necessary arms, ammunition, accoutrements, clothing, and other appurtenances as shall be deemed proper for the use of the said police force, as also for the payment of the travelling expenses of the inspector, or of any other member of the police force, as also for rewards to the non-commissioned officers and men of the said force, for zeal and efficiency in the discharge of their duties, and of all other necessary charges and expenses incurred in carrying this Act into execution.

Resident and
assistant resi-
dent justices
invested with
powers of in-
spectors.

XXX. The various Resident and Assistant Resident Justices of the Colony shall be and they are hereby respectively invested within their respective districts with all and singular the powers and authorities by this Act given to the inspector of police: Provided, however, that such powers shall not be exercised at any time when the inspector is personally present on the same island or town in which any such justice is from time to time carrying on and executing the duties of his office.

Inspector to
make report
every session
to House of
Assembly.

XXXI. The inspector shall, during the second week of every session of the Legislature, cause a report to be made and laid before the House of Assembly of the state and efficiency of the said police force, and of their arms, accoutrements, and equipments; of the number of men employed, and particular service upon which any of them may have been sent, together with all such other matters and things connected with the said Force as he may think necessary for the information of the House.

Ineligibility of
inspector.

XXXII. No person holding the office of inspector under this Act, *nor any member of the said Force*, shall be eligible to be elected or to serve as a member of the House of Assembly of these islands.*

Salaries to be
paid weekly.

XXXIII. It shall be the duty of the inspector to make up weekly, in duplicate, a return of the salaries and allowances due to the

* Words in italics inserted by 53 Vic. c. 17, *post*, No. 5 of this Class.

sub-inspector, sergeant, corporals, and constables of the Police Force for the previous week, itemizing the amount due to each member by name, and on Saturday of each week he shall send in to the office of the Receiver-General and Treasurer one of such returns duly certified with a requisition under his hand for the amount required to pay the salaries and allowances so due, and thereupon it shall be the duty of the Receiver-General and Treasurer forthwith to pay to the said inspector out of the Public Treasury the amount for which such requisition shall be made, and it shall be the duty of the inspector immediately upon the receipt of the amount to pay to the sub-inspector, sergeant, and to each of the said corporals, and constables the respective amount of salary and allowance then due to him, and to take the receipt of such sub-inspector, sergeant, corporal, and constable therefore on the other return which he shall have made, which return, also duly certified, shall be forthwith lodged in the office of the Colonial Secretary.*

XXXIV. At the end of each month it shall be the duty of the Receiver-General to obtain the warrant of the Governor in Council in the usual manner for the amount of the weekly requisitions of the inspector for the past month.

Monthly warrant for payment.

XXXV. It shall not be lawful for the Receiver-General or inspector to deduct from the salary payable to any sub-inspector, sergeant, corporal, or constable of the police force any amount on account of any order, charge, or incumbrance, which may have been given, made, or created by such sub-inspector, sergeant, corporal, or constable on his salary or allowance, nor shall any salary or allowance of a sub-inspector, sergeant, corporal, or constable be liable to be attached, seized, or taken in execution by any process of law, or otherwise, howsoever; nor shall any sub-inspector, sergeant, corporal, or constable of the said Force be liable to be imprisoned under order of any Court by reason of the non-payment of any debt or demand which he may have incurred, or for which he may have become liable; nor shall any such salary or allowance, or any part thereof, be paid to any person except the sub-inspector, sergeant, corporal, or constable to whom it shall be due, except in case of the illness, absence, or other incapacity of any such sub-inspector, sergeant, corporal, or constable, when it shall be lawful for the inspector to pay the salary due to such sub-inspector, sergeant, corporal, or constable, to any agent duly authorised by him in writing to receive the same.*

Salaries of members of Police Force not liable to be attached.

XXXVI. to XLI. inclusive. Repealed by 53 Vic. c. 17.

XLII. All gratuities and pensions authorised by this Act shall be paid out of the Public Treasury of these Islands by warrant in the usual manner.

Gratuities and pensions payable from Treasury.

XLIII. The following Acts and Parts of Acts shall be and the same are hereby repealed:

Repeals.

- 33 Victoria, chapter 3;
- 39 Victoria, chapter 9;
- Section IV. and Schedule of 40 Victoria, chapter 13;
- 41 Victoria, chapter 7;
- 46 Victoria, chapter 24; and
- 48 Victoria, chapter 21.

XLIV. This Act shall not come into operation unless and until the officer administering the Government notifies by proclamation that it is Her Majesty's pleasure not to disallow the same; and thereafter it shall come into operation upon such day as the officer administering the Government shall notify by the same, or by any other proclamation.

When Act shall come into operation.

* See footnote † to Sec. 2.

Schedule.

SCHEDULE.

* One sub-inspector	£120 per annum.
One sergeant	£75 per annum.
Two corporals at	£60 each per annum.
Forty constables at	£52 each per annum.

No. 5.

53 Vic. c. 17. *An Act to amend the Law relating to the Police Force of the Colony.* (Assented to 16th May, 1890.)

Repeals.

I. The eighth, ninth, and eleventh sections of the Act 52 Victoria, chapter 21 (hereinafter called the principal Act), are hereby repealed.

Substitutes.

II. The following are hereby substituted as the eighth, ninth, and eleventh sections of the principal Act :—

Appointment of constables.

VIII. The members of the said Police Force shall be appointed by the Governor, and shall hold their respective offices during pleasure, and shall by virtue of their respective offices be exempted from all other public duties except such as they discharge ex-officio under the provisions of this or any other Act of Assembly, and no member of the said Police Force, the Inspector included, shall hold any other office under the Crown.

Hospital accommodation.

IX. Every member of the Force, when ill, shall be accommodated and treated at the Hospital of the said Force.

Further duty of physician.

XI. It shall also be the duty of the said Physician to give the necessary Medical and Surgical attendance to any member of the said force who may be ill in the Hospital aforesaid.

Repeals.

III. The twelfth section of the principal Act is hereby repealed.

Addition of certain words.

IV. In reading the thirty-second section of the principal Act after the words "Inspector under this Act" the following words shall be inserted and read, "nor any member of the said Force."

Repeals.

V. The thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, and forty-first sections of the principal Act are hereby repealed.

Substitutes.

VI. The following shall hereafter be inserted and read as the thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth sections of the principal Act :—

Gratuity for twelve years' service.

XXXVI. Whereas it would tend to the efficiency of the Force if some provision were made for rewarding the members thereof for long and faithful services. Be it therefore enacted that every member of the Force who shall serve thereon for a period of twelve years shall, should he then retire, be entitled to receive a gratuity of two pounds for each year of such service.

Gratuity for service over twelve years.

XXXVII. Should a member of the Force continue to serve on the said Force after twelve years' service, and desire to retire before completing twenty-one years' service, he shall be entitled on retirement to receive a gratuity of two pounds for each year of his service.

Pensions.

XXXVIII. When a member of the Force serves thereon continuously for a period of twenty-one years, instead of the gratuity provided as aforesaid, he shall, if a constable, be entitled on retirement to receive during the remainder of his life a pension of twenty pounds per annum, and if a local constable a pension of eight pounds per annum.

XXXIX. No gratuities shall be allowed for a shorter term of service than twelve years, save and except where a member of the Force is discharged in consequence of illness, in which case he shall be entitled to receive a gratuity of two pounds for each year of his service on the Force.

No gratuity allowed for a shorter term than twelve years.

XL. In case of dismissal from the Force for misconduct, a constable or local constable shall forfeit all right to any gratuity.

Forfeiture of gratuity.

VII. The present members of the Police Force shall continue to hold their respective offices, and to perform their respective duties as if appointed under the principal Act and this Act, and shall be entitled to the benefits provided by the preceding sections of this Act upon serving for the periods named therein respectively.

This Act to apply to present members of the Police Force.

VIII. For the purposes of the Principal Act and of this Act, all third-class constables appointed under the laws in force prior to the passing of the principal Act shall be deemed local constables.

Third class constables deemed local constables.

IX. This Act shall be taken and construed as forming part of the principal Act.

This Act forms part of the principal Act.

No. 6.

54 Vic. c. 14. *An Act to organise a new Constabulary Force and to provide for its proper discipline and maintenance.* (Assented to 5th June, 1891.)

Organisation.

I. It shall be lawful for the Governor, acting with the advice of the Executive Council, at any time after the passing of this Act, to organise and form a Constabulary Force for the Colony.

Organisation of a Constabulary force.

II. The said Force shall consist of a Commandant, Sergeant-Major, not less than one Sergeant, two Corporals, thirty-seven Constables, and twenty-seven local Constables, who shall receive the salaries attached to their respective ranks at and after the rates specified in Schedule A, of this Act.*

Of whom force shall consist,

III. Provided that the Governor in Council may increase the number of Sergeants, Corporals, and Constables, so long as the total number of which the Force is composed shall not exceed Sergeant-Major, two Sergeants, four Corporals, and seventy-five Constables, who shall receive the salaries and allowances attached to their respective ranks as aforesaid.†

Number of sergeants, corporals, and constables may be increased.

IV. Repealed by 57 Vic. c. 3.

V. The Provost Marshal and *ex officio* Inspector of Police shall, while continuing to discharge the duties of, and to receive the salary now by law attached to, those combined offices, be *ex officio* Inspector of Prisons and Commandant of the Force organised under this Act, and shall discharge all the duties attached to, and shall receive the salary provided for, the last-named office by this Act.‡

Provost Marshal and Inspector of Police to be *ex officio* Inspector of Prisons and Commandant.

VI. The person appointed to be Inspector under this Act shall, in addition to his duties imposed by this Act, perform police duties in accordance with the provisions of Act 52 Victoria, cap. 21, as if he had been appointed under that Act.

Duties of Inspector.

VII. and VIII. Repealed by 57 Vic. c. 3.

* This section originally provided for an inspector, sub-inspector, 40 constables, and 26 local constables. It has been amended by 57 Vic. c. 3, 58 Vic. c. 32, and 61 Vic. c. 10, *post*, Nos. 8, 10, and 12 of this Class, and is now printed as amended.

† See 2nd and 3rd sections 57 Vic. c. 3.

‡ By the 58 Vic. c. 32, other provision is made with respect to these offices in the future upon vacancies occurring therein.

A money allowance made.

Members of the Force while in Nassau shall live in barracks.

Rules may be framed, altered, or annulled by the Governor in Council.

Engagement of members in the first instance to be for three months on probation.

Final engagement to be for six years.

Engagement to be in writing.

Qualification of constables.

Constables subject to the provisions of this Act and rules framed under it.

Medical examination requisite.

Re-engagement for further periods.

Provided.

IX. Repealed by 60 Vic. c. 25.

X. When absent from Nassau on duty he shall receive a money allowance of one shilling per day in lieu of rations.

XI. Every member of the said Force shall, while in Nassau, live in barracks, and shall be liable to all the provisions of this Act, and of the rules made thereunder.

XII. The Governor in Council may from time to time frame, alter, or annul rules relative to the said Force, as he shall deem expedient for the general government of the said Force, their distribution, their attendance at fires, the description of arms, accoutrements, rations, and other necessities to be furnished to them; their admission to and regulation while in hospital, the providing of medicines and medical attendance to men on duty at the Out-Islands, and all such other rules and regulations as may from time to time be deemed expedient for preventing neglect or abuse, and for rendering the said Force efficient in the discharge of its duties, and for securing proper discipline therein.

Engagement.

XIII. The engagement of Sergeants, Corporals, and Constables for the said force formed under this Act shall, in the first instance, be for a period of three months on probation, and if during such period any man so engaged shall be deemed unfit for the Force he may be at once discharged. During the period of probation he shall be subject and liable to the provisions of this Act, and the rules framed hereunder in the same manner as if he had been engaged for the period of six years as hereinafter provided for.

XIV. If approved at the expiration of three months, he shall then be finally engaged for a period of six years by and before the Commandant or other person designated by the Governor, such engagement to be in writing signed by the person engaging in the form set forth in Schedule B. of this Act, and such person shall then be sworn in by oath in the form C. of Schedule to this Act, by the Commandant or person designated by the Governor as aforesaid, to act as a Constable for the entire Colony.

XV. No person shall be eligible for engagement unless he can read and write and can bring satisfactory evidence of good character.

XVI. Every person signing such engagement paper and being so sworn in as aforesaid shall be deemed to be a Constable under this Act, and subject to all provisions thereof, and of all rules and regulations framed under it.

XVII. No person shall be engaged to serve in the Force until he has undergone a medical examination, and a report of his physical fitness to perform the duties of a Constable has been made to the Commandant, or other person designated by the Governor, if beyond this Colony by a competent medical authority; and if within the Colony by the medical officer to the Force.

XVIII. Sergeants, Corporals, and Constables of good character may, upon the recommendation of the Commandant, re-engage, upon the expiration of their first term of service, for a further term of six years, and similarly thereafter for a further period up to twenty-one years, and upon such re-engagement shall sign an engagement paper according to form D. in the Schedule of this Act, and be sworn in the same manner as upon their original engagement, and shall again become subject and liable to the provisions of this Act and the rules and regulations framed thereunder.

Provided, however, that no Sergeant, Corporal, or Constable shall be entitled to re-engage unless he shall have notified his intention to the Commandant so to do six months prior to the expiration of his original

engagement hereunder, and shall have signed the re-engagement paper hereto annexed, the signing of which shall render him liable during the term of such re-engagement to the provisions of this Act, and the rules made hereunder, in the same manner as upon his original engagement.

Duties.

XIX. It shall be the duty of all members of the said Force to preserve the peace, to prevent the commission of crime, to discover and to detect the perpetrators of felonies, and other criminal offences, and to apprehend the offenders. Duty of members of the Force.

XX. They shall respectively have all such powers, authorities, privileges and advantages, and shall be liable to all such duties and responsibilities as Constables now have or hereafter may be invested with, either by the Common Law, or by virtue of any Act of the General Assembly, or Statute of the Imperial Parliament, now or hereafter to be in force within these Islands, or as may be directed and imposed by any rules framed under this Act. Their powers, authorities, privileges, and advantages.

XXI. Provided always, that if any question shall arise as to the right of any member of the Force to hold or execute his office, common reputation shall to all intents and purposes be deemed and held to be sufficient evidence of such right, and it shall not be necessary to produce any appointment, or any oath, affidavit, or other document or matter whatsoever, to prove any qualification in support of such right. Common reputation deemed sufficient evidence of right to hold or execute office of constable.

XXII. The Commandant shall, during the second week of every session of the Legislature, make a report to be laid before the House of Assembly of the state and efficiency of the said Force, and of their arms, accoutrements, and equipments, of the number of men employed, the particular service on which any of them may have been sent, together with all such other matters and things connected with the said Force as he may think necessary for the information of the House. Commandant to make a report to Legislature every session.

XXIII. For the protection of persons acting in the execution of this Act, all the provisions of the Acts of Assembly, 12 Victoria, cap. 7, and 21 Victoria, cap. 12, relating to the period within which actions can be brought against Justices of the Peace, the mode of pleading by the defendants, the notice of action, the proceedings at the trial of such actions, and the respective rights of the plaintiff and defendant shall extend and apply to all persons acting in pursuance of this Act. Protection of persons acting under Act.

XXIV. When any action shall be brought against any member of the Force for any act done in obedience to the warrant of any Magistrate, such officer shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction in the Magistrate issuing the same, and such officer may plead the general issue and give such warrant in evidence, and upon producing such warrant and proving that the signature thereto is in the handwriting of the person whose name shall appear subscribed thereto, and such person is reputed to be and acts as a Magistrate of the Bahama Islands, or for any Island or District therein, and that the act complained of was done in obedience to the warrant, such officer shall be entitled to have a verdict entered for him, and shall receive his costs of suit, and every such member of the Force shall be further entitled to the protection and privileges afforded to Constables by the 13th section of the 12th Victoria, cap. 7. Constables not responsible for irregularity in warrants.

XXV. It shall be the duty of the members of the said Force, in addition to the duties otherwise required of them by law, by the provisions of this Act, and of the rules made under this Act, to attend all the sittings of the General Court, and of all other Courts of Justice throughout the Colony; to have the management, charge and control, of the fire engines and their appliances, and to practise and to perform all the Additional duties of members of Force.

Invested with
all the powers of
tidewaiters.

Power of con-
stables to take
bail in certain
cases.

Recognisance to
state time for
appearance of
parties.

Warrants how to
be executed.

duties of firemen on the occasion of any outbreak or alarm of fire; to act as gaolers in the Districts in the Out-Islands where they may be quartered for duty, whenever so required by the Resident, or Assistant Resident Justices, or in their absence by any other Justice of the Peace; and for the more effective protection of the Revenue, every member of the said Force is hereby invested with all the powers of tidewaiters to prevent smuggling, and shall be entitled to the same privileges and protection.

XXVI. When any person charged with any misdemeanor or felony of a minor character shall be brought without a warrant of a Justice of the Peace into the custody of any member of the Force, having charge at any police station, it shall be lawful for the Commandant, Inspector, Sub-Inspector, Sergeant, Corporal, or Constable, as the case may be, if he shall deem it prudent, to take bail by recognisance without any fee or reward from such person, conditioned that such person shall appear for examination before a Justice of the Peace, at some place to be specified in the recognisance, and every recognisance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for estreating thereof, as if the same had been taken before a Justice of the Peace, and the name, residence, and occupation of the party and his surety or sureties, if any, entering into such recognisance together with the condition thereof, and the sums respectively acknowledged shall be entered in a book, to be kept for that purpose, which shall be laid before the Justice or Justices present at the time and place when and where the party is required to appear, and if the party do not appear at the time and place required, or within one hour of the expiration of such time, the Justice shall cause a record of the recognisance to be drawn up, and shall forthwith return the same to the office of the Clerk of the Crown at Nassau, with a certificate endorsed thereon, signed by such Justice, that the party or parties have not complied with the obligation therein contained, and it shall be the duty of the Clerk of the Crown to cause proceedings to be taken according to the amount of such recognisance, either in the General Court, or in the Court of Common Pleas, for estreating such recognisance in the same and the like manner as other recognisances taken before Justices of the Peace are estreated: *Provided, however*, that if the party not appearing shall apply by any person appearing on his behalf to postpone the hearing of the charge against him, and the Justice shall see fit to consent thereto, the Justice shall be at liberty to enlarge the recognisance to such further time as he shall appoint, and when the matter shall be heard and determined either by the dismissal of the complaint or by binding the party over to answer the matter thereof at the General or other Court, having jurisdiction of the offence or otherwise, the recognisances for the appearance of the party before a Justice shall be discharged without fee or reward.

XXVII. In every recognisance entered into aforesaid, the time at which the party entering into any such recognisances is to appear before a Magistrate shall be specified in the condition of such recognisance, to be at the next sitting of such Magistrate, and the hour named shall be one at which such Magistrate usually sits for the discharge of his magisterial duties.

XXVIII. When any warrant of any Magistrate or Magistrates or of any Coroner or other judicial officer shall be delivered to any member of the said Force, he shall, if the time will permit, show or deliver the same to the Commandant, or other officer under whose immediate command he shall then be, and such Commandant or other officer shall nominate and appoint by indorsements thereon such one or more of the Constables under his orders as he shall think proper to execute such warrant, and every Constable whose name shall be so endorsed, and every person assisting him in the execution of such warrant, shall have all and every

the same rights, powers, and authorities for and in the execution of every such warrant as if the same had been originally directed to him or them expressly by name.

Distribution.

XXIX. It shall be lawful for the Governor to establish in the Island of New Providence, or in any of the Out-Islands, such guard houses and stations as he may think fit, and to direct a detail of such strength as he may consider necessary for their permanent or temporary occupation, and he may at all times distribute the members of the Force in such places and in such number throughout the Colony as may appear to him expedient and requisite.

Distribution of Force.

Discipline.

XXX. All Rules and Regulations made under this Act shall have the force and effect of law as if the same had been incorporated in this Act.

Rules to have the force and effect of law.

XXXI. When any Officer, Sergeant, Corporal, or Constable ceases from any cause to belong to the Force, all powers and authorities vested in him shall immediately cease and determine, and he shall deliver over to such person, and at such time and place as may be ordered by the Commandant, all arms, ammunition, accoutrements, clothing, and appointments whatsoever, which may have been supplied to him by virtue of and for the execution of his office, under penalty upon conviction before any Justice of the Peace of imprisonment with hard labour for any period not exceeding thirty days.

Constables ceasing to belong to Force to give up arms, &c.

XXXII. Fines, penalties, forfeiture, and stoppages imposed under this Act upon any member of the Force for any offence under this Act, or for violation of any rule framed under this Act, shall be enforced by deducting the amount from any pay, allowances, or emoluments due, or which may become due to the offender.

Fines, &c., to be deducted from pay.

XXXIII. Every Sergeant, Corporal, and Constable admitted for treatment into hospital shall be subject to a daily stoppage from his pay of a sum not exceeding ninepence per diem for each day during which he is under medical treatment in the hospital, which sums of money shall be paid into the Public Treasury in aid of the General Revenue of the Colony; and every Sergeant, Corporal, and Constable who pawns, sells, loses, spoils, or makes away with the whole or any portion of his arms, clothing, accoutrements, necessaries, or any Government property whatsoever shall, in addition to any other punishment, be liable to make good the amount of such damage or loss by stoppages from his pay or allowances.

Constables when in hospital subject to a daily stoppage from their pay.

XXXIV. No pay shall accrue or become due to any member of the Force in respect of any period during which he is undergoing any sentence of confinement in cells, imprisonment with or without hard labour, or penal servitude, or is detained in prison awaiting trial for any offence whatsoever, which results in his conviction.

No pay to accrue when undergoing sentence.

XXXV. Where any member of the Force shall incur any of the following punishments, that is to say:—

Forfeiture of good conduct badges.

1. Imprisonment, or cells, or confinement to barracks, for more than seven days:
2. Imprisonment with hard labour for any term:
3. Fine exceeding five shillings:
4. Reduction to inferior rank:

he shall in addition thereto forfeit one good conduct badge of any number he may have gained under this Act, and the pay attaching thereto.

Arrest of mem-
bers of the
Force.

Resident and
Assistant-Resi-
dent Justices
invested with
powers of
Commandant.
Powers not to
be exercised
when Com-
mandant is
present.

Monthly returns
to be furnished
to Commandant
by Resident and
Assistant-Resi-
dent Justices.

Warrant of
commitment to
the Nassau
Prison to be
issued by Com-
mandant.

Who deemed a
deserter.

Suspected
deserters may
be arrested.

Acquittal by a
Civil Court to
be final.
When convicted
of a crime by a
Civil Court not
liable to further
punishment.

Offences for
which members
of the Force may
be punished.

XXXVI. Any member of the Force charged with any offence under this Act, or the rules made thereunder, may be arrested and confined until he can be brought before the Commandant for the charge to be investigated.

XXXVII. The various Resident and Assistant Resident Justices of the Colony shall be and are hereby respectively invested within their Districts with all and singular the powers and authorities by this Act given to the Commandant.

XXXVIII. Provided always, that such powers shall not be exercised at any time when the Commandant is present within their District.

XXXIX. The several Resident and Assistant Resident Justices shall furnish monthly, on the first day of each month, to the Commandant a return of all crimes or offences committed by any member of the Force doing duty in their District, and the manner in which such offences have been disposed of.

XL. The Commandant shall for the purposes of this Act be *ex-officio* a Justice of the Peace, and shall have all the powers of summoning and enforcing the attendance of witnesses, and of examining them upon oath or affirmation, and any person wilfully and corruptly giving false evidence before him shall be deemed guilty of perjury.

XLI. Where imprisonment in the Nassau Prison shall be directed by the Commandant for any breach of this Act, or of any rule framed thereunder, the warrant or order of commitment for enforcing the same shall be issued by the Commandant, and shall be directed to the Keeper of the Prison in Nassau, who is hereby required to receive and detain any person named in any such warrant or order, to be imprisoned in the same manner as he is now by law directed to receive and to detain persons committed to prison by any Justice of the Peace of the Colony.

XLII. Any member of the Force who shall be absent without leave for any period exceeding forty-eight hours, and any member of the Force who shall withdraw from duty before he shall be lawfully discharged, shall be deemed a deserter and liable to be punished accordingly.

XLIII. Any member of the Force or any other person may, upon reasonable suspicion that any man is a deserter from the Force, arrest him and bring him forthwith before the nearest Justice of the Peace or officer of the Force, who shall, upon appearing to him that the accused is a deserter, cause him to be brought up in custody before the Commandant to be dealt with.

XLIV. No member of the Force after acquittal by a Civil Court of any crime shall be punished on the same charge under this Act.

XLV. No member of the Force who has been convicted of any crime by a Civil Court shall be liable to punishment for the same offence under this Act otherwise than by total loss of pay during imprisonment, by reduction, by dismissal, or by the loss of the whole period of his previous service reckoning towards discharge, or by loss of the whole of such good conduct badges and good conduct pay as he may possess.

XLVI. Any member of the Force who is guilty of any of the following offences:—

1. Cowardice:
2. Leaving his guard or post without authority:
3. Sleeping on his post or beat:
4. Drunk on or when for duty:
5. Mutinous conduct or being accessory thereto:
6. Assault on superior or any constable:
7. Wilful disobedience:
8. Insubordinate language or conduct:
9. Desertion:
10. Permitting the escape of a prisoner:
11. Wilful damage to Government property:

12. Making false statements, entries, or returns :
 13. Gambling or betting in barracks :
 14. Absence without leave :
 15. Drunkenness at any time :
 16. Malingering.
 17. Breaking arrest, or out of barracks :
 18. Pawnning, losing, selling, or making away with his arms, clothing, or any Government property.
 19. Breach of any rule or standing order :
 20. Conduct to the prejudice of good order and discipline :
- may on conviction thereof by the Commandant, or in his absence by an officer of the Force deputed by him, be punished for each offence by such officer, by any one or any combination of the following punishments, namely :—
- (a.) Imprisonment with or without hard labour for any period not exceeding six months. Punishments.
 - (b.) Fine not exceeding £5.
 - (c.) Dismissal.
 - (d.) Reduction.
 - (e.) Forfeiture of good conduct pay and badges, or of any benefit arising from the whole or any part of his past or future service.
 - (f.) Cells not exceeding fourteen days.
 - (g.) Confinement to barracks for any period not exceeding twenty-eight days, and such confinement shall involve the performance of ordinary duty and parades with punishment drill for one hour at a time four times a day, as well as fatigue duties.
 - (h.) Extra guards, patrols, or parades.*

XLVII. The following sentences, that is to say :—

1. Imprisonment, or confinement to cells, for any period exceeding seven days :
2. Fine exceeding £1 :
3. Dismissal :
4. Reduction :
5. Forfeiture of good conduct pay or badges, or of any benefits arising from service

Sentences to be inflicted subject to the approval of the Governor.

shall only be inflicted subject to the approval of the Governor, who may confirm the same or remit the whole or any part thereof; and it shall be the duty of the Commandant or other officer submitting such sentence for the Governor's approval to attach to his report of the case a summary of the evidence, which shall be taken on oath, and also any statement which the prisoner may desire to make in his defence.

Commandant to submit a report.

Discharge.

XLVIII. Every Sergeant, Corporal, and Constable shall upon completion of the period or periods for which he shall have engaged to serve, from which periods there shall be excluded all periods of absence from duty on account of desertion or imprisonment for misconduct, be formally discharged by the Commandant, and until he receives his certificate of discharge, he shall remain subject to all the provisions of this Act and of the rules framed thereunder.

Discharges to be made by Commandant on completion of service.

XLIX. At any time during his engagement any Sergeant, Corporal, or Constable may be discharged by the Commandment when—

Discharges may be made at any time during engagement.

1. Pronounced by the Medical Officer to be mentally or physically unfit :
2. Sentenced to dismissal for misconduct :
3. Recommended by the Commandant, and approved by the Governor.

* By 58 Vic. c. 11, *post*, No. 9 of this Class, a further enquiry may be directed by the Governor.

Local Constables.

Continuance of
local constables.

L. The local Constables now serving under the Act of Assembly, 52 Victoria, cap. 21, shall continue to serve as local Constables under this Act in the several settlements throughout the Colony at which they are stationed, as set forth in Schedule E. to this Act, and shall receive the pay provided for local Constables by Schedule A. to this Act in lieu of the pay provided by the Schedule to the Act, 52 Victoria, cap. 21, which so far as it relates to Local Constables is hereby repealed.

Appointment
of local con-
stables.

LI. Local Constables hereafter entering the Force shall be appointed by the Governor, and shall hold office during pleasure, and shall be sworn in before a Justice of the Peace or the Commandant in the same manner as Constables are directed to be sworn in under this Act.

Local constables
subject to rules.

LII. Local Constables shall be subject to all rules, regulations, and standing orders made by the Commandant for their good government and discipline.

Repeals.

LIII. So much of the Acts of Assembly, 52 Victoria, cap. 21, and 53 Victoria, cap. 17, as relate to local Constables are hereby repealed.

On retirement
entitled to
gratuities and
pensions.

LIV. Local Constables now serving, or who may hereafter be appointed, shall upon retirement be entitled to gratuities and pensions on the following scale:—After service of 12 years to a gratuity of £1 for each year; after service of 21 years to a pension of £8 per annum.

Forfeiture of
gratuity and
pension.

LV. Local Constables who may be dismissed from the Force for misconduct shall forfeit all claim to gratuity and pension.

Offences by the Public.

Penalty on any
person having in
his possession
police arms, &c.,
or assuming
the dress.

LVI. Any person having in his possession any arms, ammunition, clothing, accoutrements, or appointments supplied to any person under this Act, and who shall not be able satisfactorily to account for his possession thereof—or who shall put on, or assume the dress, designation, name, or description of any person or persons, or of any class of persons appointed under this Act, for the purpose of unduly obtaining admission into any house or other place, or of doing, or procuring to be done any other Act which such person or persons so putting on, or assuming such dress, designation, or name or description, would not by law be entitled to do or procure to be done of his or their own authority,—every such person shall when so offending, in addition to any other punishment to which he may be liable for such offence, forfeit and pay for every such offence any sum not exceeding £10, to be recovered by distress and sale of the goods and chattels of such offender on conviction before a Justice of the Peace, or in default of payment thereof shall be imprisoned with hard labour for any period not exceeding three months, and every such penalty shall be paid over to the Receiver General to be applied in aid of the General Revenue of the Colony.

Penalty for
assaulting, &c.,
constables.

LVII. Any person who shall assault, resist, abuse, or improperly and unduly impede any member of the Force whilst on duty or in the execution of his duty, or who shall aid, or incite any other person so to do; or any person who shall knowingly harbour, or entertain, or permit to abide and remain in or upon his house, shop, or premises, or other place during any part of the time appointed for his being on duty any Officer, Sergeant, Corporal, or Constable of the Force; or any person who by any means whatsoever directly or indirectly procures or persuades, or attempts to procure or persuade any member of the Force to desert, or who aids, abets, or is in any way accessory to the desertion of any member of the Force, or who having reason to believe that any man is a deserter from the Force harbours such deserter, or aids him in concealing himself; or any person who aids, abets, or is accessory to any mutinous conduct, sedition, or disobedience to the lawful command of a

Penalty for
harbouring, &c.,
constables on
duty.

Penalty for
procuring, &c.,
constables to
desert.

Penalty for
aiding, abetting,
&c., in any

superior officer by any member of the Force, or who endeavours to seduce any member of the Force from his allegiance or duty, shall upon conviction before any Justice be liable to a fine not exceeding £10, or imprisonment with hard labour for any period not exceeding six months, as to such Justice shall seem fit.

mutinous conduct.

LVIII. Justices of the Peace by whom any person shall be convicted and adjudged to pay any sum of money for any offence against this Act, may adjudge that such person shall pay the same either immediately, or within such period as he shall think fit, and that in default of payment at the time appointed he shall be imprisoned and kept to hard labour for any time not exceeding two calendar months where the sum to be paid shall not exceed £5, and for any term not exceeding six months in any other case, the imprisonment to cease in each of the cases as aforesaid upon payment of the whole sum awarded to be paid.

Payment of penalties.

Medical.

LIX. The Medical Inspector of the Colony shall be the Medical Officer to the Force established under this Act, and shall receive the Salary affixed to such office in the Schedule hereto annexed.

Medical officer to the Force.

LX. Repealed by 55 Vic. c. 10.

LXI. Every member of the Force who may become ill, in Nassau, shall be accommodated and treated in Hospital, or in the Barracks, as directed by the medical officer to the Force, whose duty it shall be to give the necessary medical and surgical attendance to every such officer, non-commissioned officer, and Constable.

Medical treatment of members of the Force.

Payment of Salaries, Gratuities, Pensions, Stoppages, &c.

LXII. The Commandant shall cause to be made up fortnightly in duplicate a return of all the salaries and allowances due to the Sergeants, Corporals, and Constables of the Force for the previous fortnight, itemising the amount due to each by name.

Fortnightly returns of salaries and allowances to be made up.

LXIII. On each alternate Saturday the Commandant shall send to the office of the Receiver-General one of such returns duly certified with a requisition under his hand for the amount required to pay the salaries and allowances so due.

Requisition on Receiver-General for amount of salaries and allowances.

LXIV. The Receiver-General shall then forthwith pay to the Commandant out of the Treasury the amount for which such requisition shall be made.

Payment by Receiver-General to Commandant.

LXV. The Commandant shall, immediately on receipt of the amount, pay, or cause to be paid, to each Sergeant, Corporal, and Constable the respective amount of pay and allowances then due to him, and shall take the receipt of such Sergeant, Corporal, and Constable therefor on the other return which he shall have made, which return also duly certified he shall send to the Auditor-General of the Colony.

Commandant to pay salaries and allowances.

LXVI. The Receiver-General shall, at the end of each month, obtain the warrant of the Governor in Council in the usual manner for the amount of the fortnightly requisition of the Commandant for the past month.

Governor's warrant to be obtained at end of month.

LXVII. It shall not be lawful for the Receiver-General nor the Commandant to deduct from the salary payable to any Sergeant, Corporal, or Constable, any amount, on account of any order, charge, or incumbrance, which may have been given, made, or created by such Sergeant, Corporal, or Constable upon his salary.

No deductions to be made from salaries.

LXVIII. The salary of any Sergeant, Corporal, or Constable of the Force shall not be liable to be attached, seized, or taken in execution by any process of law or otherwise howsoever, nor shall any Sergeant, Corporal, or Constable of the Force be liable to be imprisoned under

Salaries of constables and non-commissioned officers not liable to be attached, &c.

To whom salaries
are to be paid.

Gratuities upon
discharge.

Good conduct
badges.

Application of
fines.

Payment of ex-
penses incurred
under this Act.

Recruits from
abroad entitled
to free passage
to the place at
which engaged.

Proviso.

Member dis-
missed from
Force for miscon-
duct not entitled
to discharge cer-
tificate, and to

order of any Court by reason of non-payment of any debt, or demand which he may have incurred, or for which he may become liable.

LXIX. The salary of each Sergeant, Corporal, or Constable of the Force shall be paid only to the Sergeant, Corporal, or Constable to whom it may be due, except in the case of illness, absence, or other incapacity, when it shall be lawful for the Commandant to pay to his agent authorised in writing the salary due to any Sergeant, Corporal, or Constable.

LXX. Sergeants, Corporals, and Constables of the Force engaged under this Act shall be entitled upon discharge, after continuous good service, to gratuity at the following rates :

On completion of 12 years £2 for each year's service.

After 12 years £3 for each year's service.

By reason of illness at any time before

completion of 12 years' service . . £2 for each year's service.

LXXI. Sergeants, Corporals, and Constables shall for continuous good service be entitled to good conduct badges and pay at the following rates :

Service for 2 years, during which he has committed no offence involving punishment by fine exceeding five shillings, or 14 days' confinement to barracks or imprisonment for any period, 1 badge and 1*d.* per day.

Service for 6 years under same conditions, 2 badges and 2*d.* per day.

Service for 12 years under same conditions, 3 badges and 3*d.* per day.

Service for 18 years under same conditions, 4 badges and 4*d.* per day.

LXXII. Fines for misconduct under this Act shall be placed by the Commandant to a Fund to be called the Reward Fund for the recreation, benefit, and improvement of the Members of the Force.

LXXIII. It shall be lawful for the Governor, by warrant, under his hand, to direct the payment out of the Public Treasury of all sums of money which may be necessary and requisite for the payment of all charges and expenses incurred in obtaining fit and proper persons to serve in the Force to be organised under the provisions of this Act, for payment of the salaries and allowances of the said Force, for the purchase of all necessary arms and ammunition, accoutrements, clothing, rations, and other appurtenances as shall be deemed proper for the use of the said Force, as also for payment of the travelling expenses of the Commandant, and of all members of the Force, or other person employed or in any way connected with the said Force, or engaged to serve on the said Force, as also for the payment of all gratuities and allowances authorised by this Act, and the rules made thereunder, and for rewards to the Members of the said Force for zeal and efficiency in the discharge of their duties, and of all other necessary charges and expenses incurred in carrying this Act into execution.

Passages.

LXXIV. Every Sergeant, Corporal, and Constable enlisted under this Act beyond the Colony shall, upon being lawfully discharged, be entitled to a free passage back to the place at which he was engaged ; *provided* that if he shall fail to claim a passage within one month of his being lawfully discharged, he shall be deemed to have forfeited all right thereto ; and no Sergeant, Corporal, or Constable so engaged shall suffer any loss of pay by way of stoppage or otherwise in respect of the expenses attendant upon his transport to this Colony.

LXXV. When a member of the Force who was engaged beyond the Colony shall be dismissed from the Force for misconduct, he shall be provided as soon as practicable thereafter with a passage to the place at which he engaged, and until he shall embark as he may be directed his

discharge certificate shall be withheld; and he shall remain subject and liable to all the provisions of this Act and of the rules made thereunder for the maintenance and enforcement of discipline.*

LXXXVI. This Act may be cited for all purposes as "The Bahamas Constabulary Act, 1891." Title of Act.

SCHEDULE.

Schedule.

A.

†Commandant at £100 per annum.
‡Sergeant-Major at £150 per annum.
Sergeants at 4s. each per diem.
Corporals at 3s. each per diem.
Constables at 2s. each per diem.
Local Constables at £12 per annum. §
Medical Officer at £60 per annum.

B.

Engagement Paper.

I do hereby engage to enter and
serve as a Constable in the Bahamas Constabulary Force for six years
from this date under and subject to the provisions of "The Bahamas Con-
stabulary Act, 1891," and of all Rules framed or to be framed thereunder. Engagement
paper.
Witness my hand at this
day of 189 .
Signed in the presence }
of }

C.

Oath or Affirmation.

I do swear (or solemnly and
sincerely declare) that I will be faithful and bear true allegiance to Her
Majesty Queen Victoria, her heirs and successors, as a Constable in the
Bahamas Constabulary Force according to law. Oath or affirma-
tion.
So help me God.

D.

Re-engagement Paper.

I do hereby re-engage to enter, Re-engagement
paper.
continue, and serve as a (Sergeant, Corporal, or Constable as the case
may be) in the Bahamas Constabulary Force for six years from the
day of next being the date
of expiration of the period of my original engagement in such Force
under and subject to the provisions of "The Bahamas Constabulary
Force Act, 1891," and of all Rules framed or to be framed thereunder.
Witness my hand at this
day of 189 .
Signed in the presence }
of }

* See 3rd Section, 58 Vic. c. 11, restricting the application of this section.

† Prospectively abolished, 58 Vic. c. 32, s. 10.

‡ Prospectively reduced to £100, 58 Vic. c. 32, s. 1.

§ See 60 Vic. c. 25, which regulates present and future pay of sergeants, corporals, and constables.

E.

Local constables' stations.

Local Constables' Stations.

New Providence—

Adelaide and Carmichael	..	..	1
Sandilands	..	..	1

Eleuthera—

Lock Sound	..	..	1
Tarpum Bay	..	..	1
Savannah Sound	1
Gregory Town	1
Wemyss Bight	1

Harbour Island—

Spanish Wells	1
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Abaco—

Hope Town	1
Cherokee Sound	1
Marsh Harbour	1

San Salvador—

Arthur's Town	1
Bight	..	..	1
Port Howe	..	..	1

Long Island—

Clarence Town	..	..	1
North End	..	..	1

Andros Island—

Coakley Town	..	..	1
Nicolls Town	..	..	1
Mangrove Cay	..	..	1
Crooked Island	..	..	1
Acklin's Island	..	..	1
Rum Cay	..	..	1
Watling's Island	..	..	1
Ragged Island	..	..	1
Grand Bahama	..	..	1
Bimini	..	..	1
Exuma	..	..	1

No. 7.

55 Vic. c. 10. *An Act to amend "The Bahamas Constabulary Act, 1891."* (Assented to 8th April, 1892.)

Repeal.

I. The sixtieth section of "The Bahamas Constabulary Act, 1891," is hereby repealed.

Members of Police Force enlisting in Constabulary Force entitled to gratuity or pension on ceasing to belong to Constabulary Force.

II. Should any member of the Police Force of the Colony governed by the provisions of the Acts 52 Vic. c. 21, and 53 Vic. c. 17, having resigned therefrom enlist within a month after such resignation in the Constabulary Force organised under "The Bahamas Constabulary Act, 1891," he shall, on ceasing to belong to such last-named Force, otherwise than by dismissal, be entitled to claim the gratuity provided by the seventeenth section of "The Bahamas Constabulary Act, 1891," if his combined services in the Police Force and the Constabulary Force,

reached the period required to entitle a constable to a gratuity; and if on ceasing to belong to the Force as aforesaid his combined services have extended to the period of twenty-one years, he shall be entitled to receive the pension authorised by the thirty-eighth section of the 52 Vic., c. 21, as enacted by the Act 53 Vic. c. 17.

III. Any member of the Police Force enlisting as aforesaid shall also be entitled to reckon his services on the Police Force towards his claim for good conduct badges and pay under the seventy-first section of "The Bahamas Constabulary Act, 1891."

Good conduct
badges and pay.

No. 8.

57 Vic. c. 3. *An Act further to amend "The Bahamas Constabulary Act, 1891."* (Assented to 2nd April, 1894.)

I. This Act may be cited for all purposes as "The Bahamas Constabulary Amendment Act, 1894." Title.

II. In reading hereafter the third section of "The Bahamas Constabulary Act, 1891," hereinafter called the principal Act, the words "Sergeant-Major" shall be read after the word "exceed" in the fourth line thereof; and wherever the word "Sergeant" appears thereafter throughout the said Act it shall be construed to mean and include the said Sergeant-Major. Amends.

III. The Sergeant-Major shall be engaged under the provisions of the principal Act, and, in addition to the duties imposed upon him by such Act, he shall perform and carry out the duties directed by the Act of Assembly, 52 Vic. c. 21, to be performed by the Sub-Inspector named in such Act, and where in such last-named Act and the principal Act and Schedule A. thereof the words "Sub-Inspector" appear they shall hereafter be omitted, and the words "Sergeant-Major" shall be substituted and read therefor. Engagement of a
sergeant-major
and his duties.

IV. The fourth, seventh, and eighth sections of the principal Act are hereby repealed, and so much of the Acts of Assembly 52 Vic. c. 21, and 53 Vic. c. 17, as may have been suspended or repealed by the said fourth section, are hereby revived and continued in force for the purposes of the said last-named Acts. Repeals.

Revives certain
Acts.

No. 9.

58 Vic. c. 11. *An Act further to amend "The Bahamas Constabulary Act, 1891," and for other purposes.* (Assented to 26th April, 1895.)

I. Whenever it shall appear to the Governor that any inquiry held by the Commandant under the authority of the forty-sixth section of "The Bahamas Constabulary Act, 1891," has for any cause whatever not been effective, and that in the interests of the Public Service another inquiry should be held into the charges upon which such inquiry has been held, it shall be lawful for the Governor to annul the proceedings in such inquiry, and, notwithstanding anything in the said Act to the contrary, to direct the Commandant to hold another inquiry into such charges, and it shall thereupon be the duty of the said Commandant to proceed to hold such further inquiry.

Proceedings in
an inquiry held
under "The Ba-
hamas Constabu-
lary Act, 1891,"
may be annulled
and another in-
quiry held.

II. Such further inquiry shall be held in accordance with the provisions of "The Bahamas Constabulary Act, 1891."

Inquiry to be
held in accord-
ance with provi-
sions of "The
Bahamas' Con-
stabulary Act,
1891."

Constables here-
after engaged
abroad and dis-
missed not en-
titled to a free
return passage.

Amends.

III. The provisions of the seventy-fifth section of "The Bahamas Constabulary Act, 1891," by which a passage to the place at which he was engaged of a constable engaged abroad, and who has been dismissed from the Force for misconduct is provided, shall not apply to any constable hereafter engaged under the said Act.

IV. In reading hereafter the Act of Assembly, 57 Vic. c. 3, the word "Bahamas" shall be inserted and read before the word "Constabulary" wherever the latter word appears in such Act.

No. 10.

58 Vic. c. 32. *An Act for prospectively reducing the fixed expenditure of the Colony, and for other purposes.* (Assented to 14th June, 1895.)

Amends.

IX. In reading hereafter the second section of "The Bahamas Constabulary Act, 1891," the figures and word "40 constables" shall be omitted, and the words "thirty-seven constables" shall be inserted and read in lieu thereof.

Constables sta-
tioned at Nassau
to be reduced to
fourteen as
vacancies occur.

XI. As vacancies hereafter occur in the Police Force established under the Act of Assembly, 52 Vic. c. 21, such vacancies shall not be filled up, and when by reason of such vacancies the number of constables stationed at Nassau under the provisions of the third section of the said Act shall be reduced to fourteen, the said Force so stationed as aforesaid shall remain at that number, and from and thereafter in reading the said third section, the words "thirty-two" shall be omitted, and the word "fourteen" shall be substituted and read in lieu thereof.

No. 11.

60 Vic. c. 25. *An Act further to amend "The Bahamas Constabulary Act, 1891."* (Assented to 20th May, 1897.)

Short title.

I. This Act may be cited for all purposes as "The Constabulary Act Amendment Act, 1897."

Meaning of
"principal Act."

II. Where the words "principal Act" are used in this Act they shall be held to mean and refer to "The Bahamas Constabulary Act, 1891."

A money allow-
ance given in
lieu of rations.

III. Every Sergeant, Corporal, or Constable now in the Force organized under the principal Act, who re-engages for a further period of service, shall be entitled, in addition to his pay as fixed by the schedule to the principal Act, a money allowance of one shilling per day in lieu of a daily ration.

Rate of pay in
future engage-
ments.

IV. In any future engagements of men to serve as Sergeants, Corporals, or Constables in the Force organised under the principal Act, other than those now serving therein, the pay of such men shall be as follows :—

Sergeants, £75 per annum.
Corporals, £60 per annum.
Constables, £1 per week.

payable in the manner directed by the principal Act, and so much of the Schedule A. of the principal Act as authorises a different rate of pay to such men shall, upon such engagements being made, be repealed.

Repeal.

V. The ninth section of the principal Act is hereby repealed.

No. 12.

61 Vic. c. 10. *An Act further to amend "The Bahamas Constabulary Act, 1891."* (Assented to 31st May, 1898.)

I. In reading hereafter "The Bahamas Constabulary Act, 1891," the figures "26" in the second section shall be omitted, and the figures "27" inserted and read therein in lieu thereof, and in the Schedule E. to the said Act the words and figure "Crooked Island, 1," shall be inserted and read before the words "Acklin's Island" as and if the same had been originally inserted in the said Act. Amends.

II. The Act of Assembly, 61 Vic. c. 5, is hereby repealed.

Repeal.

CLASS XII.

FIRE BRIGADES AND INQUIRIES INTO FIRES.

No. 1.

29 Vic. c. 25. *An Act for regulating the use of the Fire Engines belonging to the Colony, and for making better provision for the Suppression of Fires in the Island of New Providence.* (Assented to 11th May, 1866.)

I. The fire engines shall be under the superintendence and control of the inspector of police for the time being, subject nevertheless to the provisions hereinafter contained, for the transfer of their custody to volunteer fire brigades, and it shall be his duty to see that all engines not so transferred are at all times kept in good working order, and all expenses attending the keeping of the same in order shall be defrayed out of the public treasury of the colony. Control of fire engines.

II. It shall be lawful for the said inspector, acting under the authority of the Governor in Council, to place any one or more of the said engines in the custody and charge of any volunteer fire brigade, the members of which shall be desirous of obtaining the same, and who will undertake to keep the same in good working order, and will consent to place themselves under the orders of the inspector of police as their chief officer, and to observe such rules and regulations for their government when working at a fire, as may be framed by the Governor in Council. Volunteer fire brigade may have custody of engines.

III. If a volunteer fire brigade shall consent to take charge of a public engine on the terms hereinbefore required, it shall be the duty of the members of any such brigade on every occasion of a fire in the Island of New Providence, whether the same shall occur in the district to which the brigade may belong or in any other district, to proceed without delay with the engine in their charge to the scene of such fire, and there to place themselves under the command of the inspector of police. If a volunteer fire brigade, having taken charge of a public engine as aforesaid, shall neglect to keep the same in proper condition and working order, it shall be lawful for the inspector of police, acting under the orders of the Governor, to re-possession himself of any such engine, and to place the same in some proper public engine-shed; and it shall be lawful for the said inspector at all times to enter into any place where a public engine is kept by any such volunteer fire brigade, for the purpose of inspecting and taking possession of the same, provided always that every volunteer fire brigade from whose charge and custody an engine has been taken under the provisions of this section, shall have Duty of fire brigade.
Neglect of public fire engines.

the right of appeal to the Governor in Council, whose decision in the matter shall be final.

IV. Repealed by 46 Vic. c. 15.

Inspector's duty
at a fire.

V. On every occasion of a fire the inspector of police, *or in his absence the police officer next in command*, shall take the command of all fire brigades and other persons who may voluntarily come forward and offer themselves to work thereat, or who may be compelled to work as hereinafter provided for; and the said inspector may remove or order any policeman, fireman, or other person under his command as aforesaid, to remove any persons who interfere by their presence with the operations of the fire brigades or other persons working under the orders of the said inspector, and generally he may take any measures that appear expedient for the protection of life and property, with power, by himself or those acting under his orders, to enter into any lands or houses, and to take possession of, or pull down, or blow up any house, fence, or other erections for the purpose of putting an end to a fire, doing as little damage as possible. He may also, on any such occasion, take possession of all private wells and tanks, and use the water therein for the purpose of extinguishing the fire.*

Constables' duty
to obey inspector.

VI. All constables are hereby authorised and required, on the orders of the said inspector, to aid in the extinguishing of fires, and the said inspector is also empowered to require any other person who may be present at a fire, to assist in extinguishing, or in removing property, and any constable or other person refusing or neglecting to give assistance when required, if physically capable of doing so, shall be liable to a penalty not exceeding five pounds, to be recovered and applied as other like penalties are recovered and applied.

Compensation
for pulling down
property.

VII. If any house, fence, or other erection is pulled down or blown up, or any other damage done to private property, under the authority of this Act, the owner shall be entitled to be compensated for the value out of the public treasury of the colony; such value to be ascertained by appraisers, to be indifferently chosen by the Government and the owner.

Expenses of this
Act.

VIII. All expenses by this Act authorised to be incurred shall be defrayed out of the public treasury by warrant in the usual manner.

Governor in
Council to make
rules, &c.

IX. The Governor in Council shall have power to make rules for carrying the obligations of this Act into execution, and to affix penalties for the violation of any rule so made, to be recovered in manner aforesaid.

Yearly report
and estimate.

X. It shall be the duty of the inspector to forward to the Governor yearly, to be laid before the legislature at the opening of the session, a detailed estimate of the probable expense of oiling, cleaning, and repairing the fire engines and the appurtenances thereto, belonging to the public for the ensuing year, and for the purchase of any new engines, tools, or stores which may be required for the same.

No. 2.

30 Vic. c. 9. *An Act entitled an Act to amend the Act of Assembly 20 Vic. c. 25, for regulating the use of the Fire Engines belonging to the Colony.* (Assented to 2nd April, 1867.)

Repeals part of
29 Vic. c. 25.

I. That so much of the fifth section of the said Act as directs that, in the absence of the inspector of police, the police officer next in command shall take the command of all fire brigades shall be and the same is hereby repealed.

* Words in italics repealed by 30 Vic. c. 9.

II. During any absence of the inspector of police from a fire, all and every of the powers vested in that officer by the Act to which this Act is an amendment, save and except the command of the volunteer fire brigades, shall and may be lawfully exercised by the police magistrate or assistant police magistrate for the Island of New Providence.

Gives certain powers to magistrates during the absence from a fire of police inspector.

III. During any absence as aforesaid of the inspector of police from a fire, the senior officer then present of the volunteer fire brigade for the district in which the fire is then existing, or in case there shall be no brigade for such district, then the officer commanding the brigade which shall first arrive at the fire shall assume the command of all volunteer fire brigades attending any such fire, direct the working of the engines, and carry out all orders for enforcing the provisions of the said Act which may be given to him by the police or assistant police magistrate, but without any power on his part, without such orders, to enforce the same.

Regulates the command of fire brigades and who shall give orders during the absence of police inspector.

IV. That the words "inspector of police" as used in this Act and the Act to which it is an amendment, and the words "police magistrate" and "assistant police magistrate" for the Island of New Providence as used in this Act, shall respectively mean the officers acting as inspector of police, police magistrate, or assistant police magistrate of the Island of New Providence for the time being.

The meaning of certain words.

No. 3.

38 Vic. c. 30. *An Act for placing under the control of the Commissioners of Public Works at Harbour Island one of the Fire Engines belonging to the Colony.* (Assented to 29th April, 1875.)

WHEREAS it is expedient that provision should be made for placing under the control of the Commissioners of Public Works at Harbour Island, for the better suppression of fires in that Island, one of the fire engines now under the superintendence of the inspector of police; May it, &c.,

PREAMBLE

I. On the passing of this Act it shall be lawful for the inspector of police, acting under the authority of the Governor in Council, to place one of the fire engines now under his superintendence and control, in the custody and charge of the Commissioners of Public Works at Harbour Island, who, on receiving the same shall have power and authority to permit the said fire engine to be used by any volunteer fire brigade in that island, the members of which shall be desirous of obtaining the same, and who will undertake to keep the same in good working order, and will consent to observe all such rules and regulations respecting the use of the same as may be framed by the said Commissioners and approved of by the Governor in Council.

A fire engine to be stationed at Harbour Island.

II. If a volunteer fire brigade shall consent to take charge of such fire engine on the terms hereinbefore required, it shall be the duty of the members of such brigade on every occasion of a fire at Harbour Island, to proceed without delay with the engine in their charge to the scene of such fire, and use all necessary efforts for extinguishing the same, and in all respects observe all rules and regulations for their government while working at a fire as may be made under the authority of the first section of this Act.

Duty of members of fire brigade.

III. All expenses incurred in the removal and conveyance of the said fire engine from the Island of New Providence to Harbour Island shall be defrayed out of the Public Treasury by warrant in the usual manner.

Expenses.

No. 4.

59 Vic. c. 6. *An Act to provide for the holding of Inquiries in the case of Fires.* (Assented to 20th March, 1896.)

Title of Act.

I. This Act may be cited for all purposes as "The Inquest of Fires Act, 1896."

Official inquiries to be held in the case of fires.

II. Whenever a fire may take place within any island of this Government, an official inquiry shall be held as soon as possible thereafter by the officials named herein, as to the cause and origin thereof, and into all the circumstances connected therewith.

Persons who shall hold inquiries.

III. Such inquiry shall be held in the Island of New Providence by the Commandant of Constabulary, or person performing the duties of that office; and at the other Islands of the Government by the Resident Justice or Assistant Resident Justice of the District, or the person acting in either of such offices, in which such fire shall have taken place.

Powers of persons holding inquiries.

IV. Any person authorised to hold an inquiry under this Act, shall, for that purpose, have the same powers as are now vested by law in a Justice of the Peace, in a proceeding relating to an offence over which such Justice has the power to make a summary conviction.

Evidence and report to be forwarded to the Secretary of the Colony.

V. It shall be the duty of each person holding an enquiry under this Act at the conclusion thereof to forward the evidence taken with his report thereon to the Secretary of the Colony for the information of the Governor in Council.

Payment of expenses.

VI. Any expenses incurred under this Act shall be paid out of the Public Treasury by warrant in the usual manner.

CLASS XIII.

MILITIA AND RECRUITING.

No. 1.

3 Vic. c. 5. *An Act for repealing the Laws now in force relating to the Militia of the Bahama Islands, and for making further and other provisions for ordering and disciplining the said Militia.* (21st June, 1839.)

No. 2.

8 Vic. c. 33. *An Act to amend the Militia Laws of the Colony.* (4th May, 1845.)

No. 3.

20 Vic. c. 14. *An Act to amend the Militia Laws of the Colony.* (3rd April, 1857.)

NOTE.—The above Acts have not been repealed, but no militia force is now, or has been for some years, embodied under their provisions. They will be found *in extenso* in the compilation of the Laws of 1862, pp. 455 to 468.

No. 4.

38 Vic. c. 10. *An Act to control Recruiting in the Bahama Islands for the service of Foreign States.* (Assented to 17th March, 1875.)

WHEREAS it is expedient that the Governor in Council should exercise full control over recruiting within the Bahama Islands for the service of foreign states; May it, &c. **PREAMBLE.**

I. This Act may be called "The Foreign Recruiting Act, 1875."

Name of Act.

II. In this Act "foreign state" includes any person or persons exercising, or assuming to exercise, the powers of government in or over any country, colony, province, or people beyond the limits of Her Majesty's dominions.

Defines "Foreign state."

III. If any person is, within the limits of the Bahama Islands, obtaining, or attempting to obtain, recruits for the service of any foreign state in any capacity, the Governor in Council may by Order in Council either prohibit such person from so doing, or permit him to do so subject to any conditions which the Governor in Council thinks fit to impose.

Recruiting may be prohibited or permitted.

IV. The Governor in Council may from time to time, by general order notified in the official newspaper of the colony, either prohibit recruiting for the service of any foreign states, or impose upon such recruiting any conditions which he thinks fit.

Conditions may be imposed.

V. The Governor in Council may rescind or vary any order made under this Act in such manner as he thinks fit.

Orders in Council.

VI. Whoever, in violation of the prohibition of the Governor in Council, or of any condition subject to which permission to recruit may have been accorded,

Penalty for violating Order in Council.

(a) induces, or attempts to induce, any person to accept, or agree to accept, or to proceed to any place with a view to obtaining any commission or employment in the service of any foreign state;

(b) or knowingly aids in the engagement of any person so induced by forwarding or conveying him, or by advancing money, or in any other way whatever;

shall be liable to imprisonment for a term which may extend to seven years, or to fine to such amount as the Court thinks fit, or to both.

CLASS XIV.

EXTRADITION.

No. 1.

40 Vic. c. 17. *An Act to provide for the more convenient administration of "The Extradition Acts, 1870 and 1873."* (Assented to 5th May, 1877.)

WHEREAS by the Act of the Imperial Parliament known as "The Extradition Act, 1870," it is amongst other things enacted that the said Act when applied by Order in Council, shall, unless it is otherwise provided by such Order, extend to every British Possession, but with the following among other modifications, namely:— **PREAMBLE.**

No Warrant of a Secretary of State shall be required, and all powers vested in, or Acts authorised or required to be done under, the said Act by the Police Magistrates and the Secretary of State, or either of them, in relation to the surrender of a fugitive Criminal may be done by the

Governor of the British Possession alone, and any Prison in the British Possession may be substituted for a Prison in Middlesex :

AND whereas by the said Act it is also enacted that if by any law or ordinance made before or after the passing of the said Act, by the Legislature of any British Possession, provision is made for carrying into effect within such possession the surrender of fugitive Criminals who are in or suspected of being in such British Possession, Her Majesty may, by the Order in Council applying the said Act in the case of any foreign state, or by any subsequent order, either suspend the operation within any such British Possession of the said Act or any part thereof, so far as it relates to such foreign state, and as so long as such law or ordinance continues in force there, and no longer, or direct that such law or ordinance, or any part thereof, shall have effect in such British Possession with or without modifications and alterations as if it were part of the said Act :

AND whereas by another Act of the Imperial Parliament known as "The Extradition Act of 1873," it is enacted that the said Act shall be construed as one with "The Extradition Act, 1870," and that the said two Acts may be cited together as "The Extradition Acts, 1870 and 1873" :

AND whereas it is expedient to provide for the more convenient administration within the Colony of "The Extradition Acts, 1870 and 1873," by conferring on the Police Magistrates of the Colony the like powers and authorities in relation to the surrender of fugitive Criminals as are by the said Acts vested in Police Magistrates and Justices of the Peace in the United Kingdom ; May it, &c.

Name.

Gives certain powers to any Police Magistrate in this Colony.

I. This Act may be cited as "The Extradition Act, Bahamas, 1877."

II. All powers vested in, and acts authorised, or required to be done by a Police Magistrate, or any Justice of the Peace in relation to the surrender of fugitive Criminals in the United Kingdom under "The Extradition Acts, 1870 and 1873," are hereby vested in and may in this Colony be exercised and done by any Police Magistrate in relation to the surrender of fugitive Criminals under the said Acts.

When this Act is to come into operation.

III. This Act shall not come into operation until Her Majesty shall by Order in Council direct that this Act shall have effect within the Colony as if it were part of "The Extradition Act, 1870," but this Act shall thereafter come into operation as soon as such Order in Council shall have been publicly made known in the Colony.*

* Order in Council published here on 13th September, 1877.

PART IV.

CLASS I.—Department of Surveyor-General and Civil Engineer.

CLASS II.—Department of Public Works.

CLASS III.—Abutments.

CLASS IV.—Lands held for Public Use.

CLASS V.—Lands held by the War Department.

CLASS VI.—Quit Rents.

CLASS VII.—Division Walls and Fences.

CLASS VIII.—Department of Registrar of Records.

CLASS IX.—Summary Remedies for Trespasses and Injuries to Land, and Injuries to Cattle and Sheep.

CLASS X.—Miscellaneous Statutes relating to Real Estate.

CLASS XI.—Laws relating to Patents.

CLASS XII.—Laws relating to Public Ponds, and the keeping of Turtle therein.

CLASS I.

DEPARTMENT OF SURVEYOR-GENERAL AND CIVIL ENGINEER.

No. 1.

40 Geo. 3, c. 10. *An Act for preserving the Plan of the Town of Nassau.*
(A.D. 1799.)

WHEREAS, by virtue of an Act made and passed in the seventh year of His Majesty's reign entitled "An Act for re-surveying the town of Nassau, and ascertaining the bounds thereof, and preventing encroachments on the public streets and ways in the same, and in the eastern and western districts of the Island of New Providence, and also for laying out and opening such streets, lanes, and paths in the several districts thereof, as may make the same more commodious and convenient to the inhabitants," a plan of the said town was drawn and lodged in the Secretary's office, as the only public and proper plan thereof, agreeable to which real property in the said town has ever since been granted, conveyed, and transferred; **AND** WHEREAS the said plan is now much defaced, and will in a short time totally decay, to the great injury of the proprietors of lots in the said town held agreeable thereto, it is therefore highly expedient that copies thereof should be taken and preserved as public records; **May it, &c.,** That the Surveyor-General, or his lawful deputy, shall and he is hereby authorised and required to make out three fair and correct copies of the said plan, and to certify the same as such; one of which said copies shall be kept in the office of the Surveyor-General, one other copy in the Secretary's office, and the other copy in the Prothonotary's office, for the use of the General Court: all and every of which copies

PREAMBLE.

of the said plan, certified as aforesaid, shall be taken and acknowledged as of equal validity with the said original plan in all His Majesty's Courts within these islands.

No. 2.

45 Vic. c. 9. *An Act to aid Surveyors in the discharge of their duties.*
(Assented to 29th March, 1882.)

PREAMBLE.

WHEREAS Surveyors have experienced from time to time great difficulty in completing Surveys in consequence of being obstructed by the owners or occupiers of Land: May it, &c.

Extends the powers of surveyors.

I. It shall be lawful for the Surveyor-General and his successors in office, or any Deputy Surveyor duly certificated by a Surveyor-General, when surveying Lands, to go upon any adjacent soil, whether public or private, accompanied by assistants or necessary attendants for the purpose of enabling the person so surveying either to verify old lines or to lay out his line and perfect his survey.

No action for trespass without wilful injury.

II. No action for trespass shall lie against a Surveyor-General or Deputy Surveyor, or his assistants or attendants as aforesaid, for any entry on land in pursuance of the authority conferred by this Act, unless the plaintiff shall prove that the person surveying, his assistants or attendants, have committed any wilful, wanton, and unnecessary injury.

General issue.

III. In any action of trespass brought against a Surveyor-General or a Deputy Surveyor, or any assistants or attendants, the general issue may be pleaded in any such action, and this Act given in evidence thereunder.

No. 3.

45 Vic. c. 11. *An Act declaring that a certain part of the Island of New Providence, originally known as the Town of Nassau, shall hereafter be called the City of Nassau, and for other purposes.*
(Assented to 29th March, 1882.)

WHEREAS it is desirable, in order to set at rest any doubts that may exist on the point, to declare, by special enactment, that that part of the Island of New Providence, originally designated as the Town of Nassau, shall hereafter be known as the City of Nassau; and it is also desirable further to declare that where the word "City" has been heretofore used in reference thereto it shall be held and construed to mean that part of the said Island of New Providence so originally known and designated as the Town of Nassau; May it, &c.

Town of Nassau to be styled a city.

I. On the passing of this Act, all that part of the Island of New Providence contained and included in the Plan of the Town of Nassau, made out and certified by the Surveyor-General of Lands, under the authority of the Act of Assembly, 40 George 3, chapter 10, and which said plan now remains of record in the Office of the Surveyor-General of Lands of this Colony, shall hereafter be designated and known as the City of Nassau, and may be so referred to and named in all future Acts of Assembly, public documents, deeds, conveyances, and paper writings whatsoever, anything to the contrary notwithstanding.

Legalizes antecedent use of word "city."

II. Where prior to the passing of this Act the word "City" has been used in reference to the said Town, in any Act of Assembly, public documents, deed, conveyance, or paper writing whatsoever, the same shall be held and construed to mean that part of the said Island of New Providence contained in the said Plan hereinbefore referred to.

No. 4.

58 Vic. c. 19. *An Act to amend the Act of Assembly, 45 Victoria, chapter 9, entitled "An Act to aid Surveyors in the discharge of their duties."* (Assented to 6th May, 1895.)

I. The powers given to the Surveyor-General and his deputies by the first section of the Act of Assembly, 45 Victoria, chapter 9, hereafter called the principal Act, shall only be exercised

When surveyors may exercise the powers given by 45 Vic. c. 9.

(a) upon the written consent of all of the parties interested in the lands upon which it may be necessary to enter in order to make a survey or perform the other acts mentioned in such section; such consent to be made in writing and signed by the said parties or their Agent or Attorney in the presence of a Justice of the Peace, who shall attest such writing;

(b) or in case of the refusal of any of the parties interested as aforesaid to give such consent, or where such parties may be absent from the Colony, then upon an order in writing issued by a Justice of the Peace directing the survey and other acts to be performed; such order to be granted by any Justice of the Peace upon the application of any party interested as aforesaid his or her Agent or Attorney.

II. Such order may be *ex parte*, and shall only be granted upon the production of an affidavit or declaration made before a Justice of the Peace setting forth the necessity for the survey and the refusal of some one or other of the parties interested as aforesaid to consent to the same, or that there is no person interested in such lands then resident in the Colony by whom such consent can be given.

Orders may be *ex parte* and may be granted by justices of the peace.

III. The provisions of the second and third sections of the principal Act shall apply to any person or persons engaged in any survey made by consent or under the authority of any order issued under this Act.

Provisions of Sections 2 and 3 of the principal Act to apply.

No. 5.

59 Vic. c. 11. *An Act to amend the Act of Assembly, 58 Victoria, chapter 19, entitled "An Act to amend the Act of Assembly 45 Victoria, chapter 9, entitled 'An Act to aid Surveyors in the discharge of their duties.'"* (Assented to 20th March, 1896.)

I. This Act may be cited for all purposes as "The Amended Surveyors Act, 1896."

Title of Act.

II. The Act of Assembly, 58 Victoria, chapter 19, shall not apply to any survey to be made by the Surveyor-General of the Colony, or by his lawful Deputy or Deputies acting under his direction, for the purpose of verifying old lines or laying out lines and perfecting the survey of lands belonging to the Crown, or the Colonial Government, anything in the said Act of Assembly to the contrary notwithstanding.

58 Vic. c. 19, not to apply to surveys made for verifying old lines or laying out lines and perfecting surveys.

III. This Act shall not come into operation until the Officer administering the Government notifies in the Official Gazette that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer administering the Government shall notify by the same or any other notice.

When Act shall come into operation.

No. 6.

62 Vic. c. 6. *An Act relating to the Department of Surveyor-General and Civil Engineer of the Colony.* (Assented to 20th April, 1899.)

Title.

I. This Act may be cited as "The Surveyor-General and Civil Engineer's Act, 1899."

Surveyor-General and Civil Engineer, whenever required by the Governor, to supervise any public works at the out-islands.

II. It shall be the duty of the Surveyor-General and Civil Engineer of the Colony, in addition to the duties performed by him in the Island of New Providence, whenever required by the Governor to proceed to any out-island of the Colony for the purpose of there supervising any public works or performing any other duty appertaining to his office; and all travelling expenses that may be incurred in connection with the property of the Colony by any of the officers of the department of Surveyor-General and Civil Engineer shall be paid by warrant in the usual manner.

Repeals.

III. The Acts of Assembly, 21 Victoria, chapter 5, and 22 Victoria, chapter 2, are hereby repealed.

CLASS II.

DEPARTMENT OF PUBLIC WORKS, NEW PROVIDENCE AND OUT-ISLANDS.

No. 1.

37 Vic. c. 19. *An Act to consolidate the provisions of various Acts of Assembly relating to the constitution and powers of the Board of Public Works for the Island of New Providence; the superintendence of Public Buildings, and other Public Property; and the performance of Public Works.* (Assented to 25th April, 1874.)

Constitution of Board of Works.

I. Upon the commencement of this Act it shall be lawful for the Governor to appoint a Board of Public Works for the Island of New Providence, to consist of five members, three of whom shall be members either of the Executive or Legislative Councils, and two shall be members of the House of Assembly, not having seats in the Executive Council, or holding any office of profit and emolument under the Crown, of which Board the Governor shall appoint one of such members to act as Chairman, and the persons so appointed shall constitute the Board of Public Works of the said islands for the term of twelve calendar months, at the expiration of which period another Board shall be constituted and so on, annually, during the continuance in force of this Act; every such Board to consist of the same number of members as aforesaid, with the same qualifications—to be appointed for a similar period of twelve calendar months, and in the same and the like manner in all respects as is hereinbefore first provided for.

Disqualification of a member and mode of re-appointment.

II. If any member of the said Board shall, during any period for which he may have been appointed as aforesaid, cease, except as herein-after provided for, to hold the particular qualification under which he was appointed, or shall die, or resign his seat at the Board, then, and in every such case, another person shall be appointed, having the requisite qualification, to act as a member of the said Board for the residue of the term for which the member so ceasing to be qualified, or dying, or resigning, was originally appointed for: Provided that upon any dissolution of the

General Assembly, the members of the Board, being members of the House of Assembly, shall continue to act as members of the Board, the dissolution of the General Assembly to the contrary notwithstanding, and shall only cease to be qualified in the event of not being re-elected members of the said House.

III. The Board shall meet once in every month for the despatch of business, at some convenient place, in the city of Nassau, to be selected for that purpose, and three of the members of such Board shall be a quorum for the transaction of business.

Meetings and
quorum of
Board.

IV. The officers of the said Board shall consist of a clerk and Superintendent of Roads, to be appointed from time to time by the Governor, who shall hold their respective offices during pleasure, and shall receive the respective salaries attached to such offices by any Act of Assembly now or hereafter to be in force relating to the payment of salaries: Provided that the persons who may hold such offices at the commencement of this Act shall continue to discharge the duties of their respective offices, and receive the emoluments thereof without the necessity of a new appointment.

Board's officers
and their salaries.

V. The clerk shall be subject to the orders and control of the said Board, and the Superintendent of Roads shall, in like manner, be subject to the orders and control of the said Board and of the Civil Engineer for the Island of New Providence, and both of such officers shall give such attendance and perform such duties as may be prescribed by any rule or rules, regulation or regulations, for that purpose, to be made by the Board.

Duties of clerk
and road super-
intendent.

VI. All messuages, lands, roads, streets, tenements, estates, and other hereditaments, which have been heretofore purchased or taken by, or in the name of, or by any person or persons in trust, for the use of the public service of the colony, or which have been used or occupied for such service (by whatsoever mode of conveyance the same shall have been so purchased or taken), either in fee, or for any life or lives, or for any term or terms of years, or any other or lesser interest; and all erections and buildings which now are, or which shall or may hereafter be erected and built thereon, together with the rights, members, easements, and appurtenances to the same respectively belonging, shall be, become, remain, and continue vested in the Governor of the colony for the time being, and the members of the Board of Public Works for the time being, of the district within which such messuages, lands, roads, streets, tenements, estates, and other hereditaments shall respectively be situated, and their successors, according to the respective nature and quality of the said messuages, lands, roads, streets, tenements, estates, and other hereditaments and the several estates and interest of, and in the same respectively in trust for the public service of the colony, subject to the disposition of the Legislature of the colony.

Property vested
in the Governor
and members of
Board of Works.

VII. From and after the purchase and conveyance, grant, or demise thereof, all other messuages, lands, roads, streets, tenements, estates, and other hereditaments, which shall, at any time or times hereafter, be purchased for the use of the colony, and all erections and buildings which shall then, and which may hereafter be erected and built thereon, with the rights, members, easements, and appurtenances to the same respectively belonging, by whatever mode of conveyance the same shall be purchased, or taken, shall, in like manner, be, and become, and remain, and continue vested and held as aforesaid, according to the nature and quality of the said messuages, lands, tenements, estates, and hereditaments, and the several and respective estates and interests of, and in the same respectively in trust as aforesaid.

Property
acquired in
future, how
vested.

VIII. The Board shall have the control of the expenditure of all monies which may, from time to time, be granted for the performance of any public work in the said Island of New Providence, the control or

Estimates of
works and con-
trol of expendi-
ture.

expenditure of which may not be otherwise provided by law; and it shall be the duty of the said Board to cause estimates of all works intended to be performed by them, or under their superintendence, to be prepared, and to submit the same for the approval of the Governor in Council.

Civil engineer's duty.

IX. Subject to the control of the Board as aforesaid, it shall be the duty of the Civil Engineer of the colony to superintend the execution of all public works in the Island of New Providence, and from time to time to inspect and annually, or oftener if necessary, to report to the said Board on the state of the public buildings, roads, and other public property and works in the said island, which reports shall, whenever any additions, alterations, or repairs are required, be accompanied with plans, specifications, and estimates of the works required to be performed; all of which reports, specifications, plans, and estimates, or authenticated copies thereof shall be submitted by the said Board to the Governor in Council, and, if approved of, shall be laid before the House of Assembly at the annual session of the Legislature.

Duty at out-islands.

X. It shall be the further duty of the Civil Engineer, whenever thereto required by the Governor, or by the Board, to prepare plans and estimates for public works as well for the out-islands as for the Island of New Providence.

Estimates, contracts, and certificate of civil engineer.

XI. It shall not be lawful for the Board to sanction the performance of any public work which has not been estimated for as aforesaid; nor shall it be lawful for such Board to enter into any contract to a greater amount than shall have been granted for the particular service intended to be contracted for, nor to order or direct payment to be made for any work until the same shall have been certified by the Civil Engineer to have been duly performed, except in such cases as they shall deem it advantageous to the public service to advance money on account of any contract actually entered into, *but in no case shall the sum so advanced, or agreed to be advanced, exceed one-half of the amount of such contract.**

XII. Repealed by 58 Vic. c. 21.

Obstructions and encroachments, how dealt with.

XIII. If any person or persons shall at any time, by building, or in any other manner whatsoever, either partially or entirely stop up, or obstruct, alter, or encroach upon, or in any manner damage any established public road, street, or highway in the said Island of New Providence, it shall be lawful for the said Board, or for any member thereof, or for any officer of such Board, or for the Civil Engineer, to require such building, or other materials by which such road, street, or highway may be stopped up, obstructed, altered, or encroached upon, to be removed, and all damages to the said roads, streets, and highways occasioned thereby, to be repaired; and if such requisition be not complied with by the person or persons by whom or at whose instance such stoppage, obstruction, alteration, encroachments, or damage was done within twenty-four hours after requisition for the removal of the same shall have been made, every person concerned therein shall be liable to the payment of a penalty not exceeding ten pounds for each and every day during which such obstruction, alteration, encroachment, or damage shall continue after the expiration of such twenty-four hours, to be recovered in a summary way, with costs, before the sitting or police magistrate for the Island of New Providence.

Buildings, trees, and fences having fallen, or vines, branches of trees, &c., causing obstructions, to be removed.

XIV. Whenever any public road, street, or highway shall be obstructed, encroached upon or rendered in any wise inconvenient to passengers by reason of falling buildings, walls, or fences of any kind, or by fallen trees or parts of trees, or by the stumps or roots of trees or other sub-

* This limit in advances repealed by 52 Vic. c. 10.

stances protruding into or over the roadway ; or by the overhanging of branches of trees, bushes, or vines, or creeping plants, or other substances of any kind ; all such obstructions and nuisances shall be removed by the proprietors or tenants of the soil from which such buildings, walls, fences, or trees shall have fallen, or from which such stumps or roots of trees or other substances shall so protrude as aforesaid ; or such branches, vines, or other creeping plants, or other substances shall so overhang the roadway as aforesaid ; and if within forty-eight hours after notice of such obstructions or nuisances shall be given to such proprietors or tenants as aforesaid, by or under the authority of any member of the said Board, or by or under the authority of any officer of the said Board, or by or under the authority of the Civil Engineer, the said proprietors or tenants shall not cause the said obstructions or nuisances to be effectually removed, then the Board, or officer, or Civil Engineer as aforesaid shall cause the said obstructions or nuisances to be removed, for which purpose it shall be lawful for the said Board, by themselves, their officers and servants, or for the said Civil Engineer and others acting under his authority, to enter on any private land during the day, and there remain for a reasonable time, and an account of the expense of such removal shall be kept, the amount of which shall be recoverable by the said Board in any Court having jurisdiction to the amount.

XV. It shall be lawful for the Board, and they are hereby required to appoint annually scavengers for the different districts and settlements in the Island of New Providence, and from time to time to define the duties of such scavengers, and such scavengers shall have and receive out of the Public Treasury, by warrant of the Governor in Council, such remuneration as the said Board shall from time to time certify that they are respectively entitled to : Provided that the total amount of such remuneration shall not in any one year exceed the sum of one hundred and fifty pounds.

Scavengers to be appointed.

XVI. It shall be lawful for the said Board from time to time to contract for the due cleansing of the several drains of the city and suburbs of Nassau to such extent eastwardly and westwardly as the said Board may define, and for removing the *débris* and filth which may from time to time accumulate in any such drains, for flushing the same with sea water, as may be requisite, and for the proper care of and attendance to the floodgates of such drains, agreeable to any specification which the said Board may authorise to be attached to any contract made under the authority of this Act.

Drains to be cleansed and filth removed.

XVII. It shall be lawful for the owners or occupiers of the several shops or stores in the city and suburbs of the city of Nassau to erect and place, or cause to be erected and placed, opposite to the said shops, sunscreens, either attached to or hanging from the said shops and stores, or supported by iron or wooden columns of uniform height, size, and pattern, such columns to be placed one foot inwards from the outer edge of the curb-stone, the style and pattern of such columns to be regulated by the said Board of Public Works.

Sunscreens to be regulated by Board.

XVIII. The erection of the said sunscreens and columns shall be subject to the following regulations, that is to say : It shall not be lawful to erect any screen or column without the sanction of the Board of Works first had and obtained and testified in writing under the hand of the chairman of the said Board for the time being ; and if any person shall erect, or attempt to erect, a screen or column differing in any respect from what shall be sanctioned by the said Board, or shall erect any column or sunscreen in any other place than that sanctioned as aforesaid, the said Board shall, as soon as the same shall become known to them, give notice thereof in writing to any person acting in contravention of this section, and ordering the nuisance to be abated

Sunscreens and columns only to be erected with sanction of Board.

within four-and-twenty hours, and if it shall not be so abated then it shall be lawful for the said Board of Works to abate the same by their servants and workmen, and to recover all expenses incurred thereby by action in any Court having jurisdiction in civil actions to the amount expended.

Four miles from city gates may be set up.

XIX. It shall be lawful for the proprietor of any plantation or tract of land, at or exceeding the distance of four miles from the city of Nassau, to set up a gate upon every or any of the boundary lines of such tract, where the same runs across any public road or highway; and that no such gate shall be held or deemed to be a nuisance: Provided the same be made of the width of ten feet or more, and be duly kept in repair by the proprietor of the land, to the satisfaction of the said Board.

Board may prosecute an action at law to recover possession of land, in the name of clerk.

XX. It shall be lawful for the members of the said Board of Public Works for the time being, and they are hereby respectively authorised and empowered to bring, prosecute, and maintain any action or actions of ejectment or other proceedings at law or in equity, in any Court within these islands of competent jurisdiction, for recovering possession of any messuages, lands, tenements, estates, or other hereditaments by this Act vested in them as aforesaid, and also to institute, prosecute, and maintain any other proceeding, action, or suit in respect of or in relation to the said messuages, lands, tenements, estates, and other hereditaments or of any trespass or encroachment committed thereon, or damage or injury done thereto; or in respect of any contract or other matter referred to in this Act, and all such proceedings, actions, or suits shall be commenced and prosecuted in the name of the clerk of the Board, for the time being; and no such proceeding, action, or suit shall abate, or be in any manner delayed by the death or vacation of office of the clerk in whose name the same was originally instituted, but shall be continued in the name of the clerk for the time being.

Sufficient legal designation of Board.

XXI. In all contracts, conveyances, surrenders, leases, and other deeds and instruments whatsoever relating to the public service of the colony which shall hereafter be made, or entered into, by, with, or to the Board of Public Works, for the time being; or whereunto the members of the said Board or any of them shall be parties, or a party, it shall be sufficient to describe or designate the members of the said Board by the style or title of "THE BOARD OF PUBLIC WORKS FOR THE ISLAND OF NEW PROVIDENCE," without naming the members thereof, or any or either of them.

Authority to make rules for regulating abutments, steps, &c., keeping clean footpaths, &c., and for the removal of filth, &c.

XXII. It shall be lawful for the said Board from time to time to make and enact rules and regulations for the after-mentioned purposes, that is to say: For regulating the use of public abutments, steps, squares, and other lands and grounds, not being public roads or ways; for preventing trespasses on or misuser of any lands or premises, by this Act, or otherwise vested in the said Board. For the cleansing and keeping clean, as well from the deposit of filth, rubbish, or other substances, as from the growth of weeds or other vegetable productions of the footpaths or sidewalks in the public streets in the city and suburbs of Nassau, by the proprietors or occupiers of the premises abutting on such footpaths or side walks, and for the removal of filth, rubbish, and other like substances from premises situated in the said city of Nassau, and the deposit thereof at proper places without the limits of the said city and its immediate suburbs: Provided that no such rule or regulation shall have any force or effect until the same shall have been approved of and confirmed by the Governor in Council, and shall have been published in three successive numbers of the official newspaper, for the time being, and provided that any rule or regulation so made as aforesaid, may at any time thereafter be altered, amended, or repealed by the said Board, subject to approval and confirmation as aforesaid,

Proviso.

and provided also that all rules and regulations made prior to the passing of this Act by any Board of Works in accordance with the then existing laws, and which may be in force at the time of the commencement of this Act, shall continue in force, the non-continuance in force of the Act or Acts under which such rules and regulations were made to the contrary notwithstanding, and shall have the same and the like force and effect as if made and confirmed under the provisions of this Act.

XXIII. For the breach of any rule made or to be made as aforesaid, to be proved before the police or sitting magistrate for the Island of New Providence by the oath of any one competent witness, it shall be lawful for such police magistrate to fine the offender in any sum not exceeding twenty shillings, to be levied, by warrant under the hand and seal of such magistrate, by distress and sale of the offender's goods and chattels; and if no such goods and chattels of such offender can be found whereon such fine can be levied, it shall and may be lawful for such magistrate to commit such offender to the Prison at Nassau to be there imprisoned for any term not exceeding ten days.

For breach of rules police magistrate may fine or imprison.

XXIV. It shall be lawful for the Board constituted by this Act, and they are hereby authorised to demand and receive from and out of the Public Treasury of these islands from time to time as the same shall be required, the several sums of money which have already been or may during the present session be granted or made payable to the Board constituted under the nineteenth Victoria, chapter 11, and to apply such sums of money to the purposes for which they may be respectively granted. And all books, papers, and effects belonging to the said last-mentioned Board shall be forthwith handed over to the proper officers of the Board constituted by this Act.

Authority to receive money.

XXV. The books, accounts, and vouchers of the said Board shall be subject to be audited annually by the Auditor of Public Accounts, and the said Board shall at the annual meeting of the Legislature and at all times when so required render a true and faithful account to the General Assembly of these islands of the expenditure of all monies received by them.

Accounts to be audited.

XXVI. If any person or persons shall wilfully interrupt or obstruct the said Board or any member of it, or any officer of or other person employed by the said Board, or the Civil Engineer, or any officer of his department, in the performance of any work or act authorised or required to be performed by this Act, every person so offending shall, on conviction thereof before the police or sitting magistrate for the Island of New Providence, forfeit and pay for every such offence a sum not exceeding five pounds.

For obstructing Board or officers thereof, how punished.

XXVII. In any action at law to be brought for any act, matter, or thing done or committed under and by virtue of this Act against the said Board or members thereof, or against any officer of the Board, or the Civil Engineer, or any officer of his department, or any contractor or contractors as aforesaid, or others in anywise acting directly or indirectly under the authority of the said Board in the premises, it shall and may be lawful for the defendant or defendants to plead the general issue and give this Act and the special matter in evidence under that plea; and in case of judgment for the defendant or defendants or discontinuance of suit before judgment, the said defendant or defendants shall be entitled to double costs.

General issue may be pleaded in action.

XXVIII. All fines, penalties, and forfeitures incurred by this Act shall be paid into the Public Treasury of these islands, in aid of the expenses of this Government.

Fines paid into Public Treasury.

XXIX. Any person summarily convicted under this Act shall be entitled to a right of appeal under the provisions of the Act 10 Victoria, chapter 11.

Appeal.

Acts repealed.

XXX. The following Acts shall cease to be in force on the commencement of this Act :

19 Victoria, chapter 11,
28 Victoria, chapter 13,
28 Victoria, chapter 33,
28 Victoria, chapter 41,

except so far as the last-mentioned Act applies to the payment of salary to the present clerk of the Board of Works, and the

Commencement.

31 Victoria, chapter 5.

XXXI. This Act shall commence and take effect on the first day of May, 1874, and shall continue in force for ten years.

No. 2.

38 Vic. c. 30. *An Act for placing under the control of the Commissioners of Public Works at Harbour Island one of the Fire Engines belonging to the Colony.* (Assented to 29th April, 1875.)

See Act *in extenso*, ante, Part 3, Class 12, No. 3.

No. 3.

42 Vic. c. 3. *An Act to empower the Board of Works to grant Licences for the placing of Telegraph Wires, Posts, and other Appliances upon and over public property.* (Assented to 11th March, 1879.)

The erection of telegraph posts to be permitted.

I. The said Board of Works may from time to time, as application may be made to them for the purpose, license the erecting or placing of telegraph posts, wires, or other appliances for telegraphic purposes, upon, under, or over any street, building, or other property held by the said Board in trust for the public service of the Colony, and may annex to any such licence any condition which they may deem necessary.

Licence may be revoked.

II. The Board may revoke any such licence, or alter or revoke any condition annexed, or add any new condition thereto, without being in any way responsible for any loss or damage which may accrue to the person or persons claiming the benefit of such licence.

Public property not to be diverted.

III. Nothing in this Act shall be construed to permit the said Board by any licence to be granted to divert any public property from the uses or purposes for which they hold the same.

No. 4.

43 Vic. c. 14. *An Act to extend the provisions of the Act of Assembly, 42 Victoria, chapter 3.* (Assented to 2nd April, 1880.)

Act 42 Vic. c. 3, to apply to other modes of communication besides telegraphic.

I. In reading and construing the Act entitled "An Act to empower the Board of Works to grant Licences for the placing of Telegraphic Wires, Posts, and other Appliances, upon and over Public Property," the same shall be read and construed to apply not only to communications for telegraphic purposes, but also to any other method or mode of communication.

No. 5.

49 Vic. c. 13. *An Act granting certain powers to the Board of Public Works for the Island of New Providence.* (Assented to 26th May, 1886.)

I. It shall be lawful for the Board of Public Works for the Island of New Providence, at such time as may be by them considered most advantageous in the interests of the public, to sell at auction, or by tender, for the best price that can be obtained, the lands and premises situate within the said Island of New Providence, and known as the "Hermitage," and which are now held by the said Board in trust for the Public, subject to the disposition of the Legislature.

II. On any sale being made under this Act the said lands and premises shall be conveyed to the purchaser or purchasers, by a Deed of Conveyance from the said Board of Public Works, which Deed shall be signed by the Chairman or Acting Chairman of the said Board and two members thereof, and shall effectually vest in such purchaser or purchasers a full and complete estate in fee simple in the said lands and premises.

III. The proceeds of such sale, after deducting the expenses connected therewith, shall be paid into the Public Treasury in aid of the general revenue of the Colony.

No. 6.

51 Vic. c. 15. *An Act giving the Board of Public Works for the Island of New Providence certain powers with respect to the Public Buildings in the City of Nassau.* (Assented to 12th April, 1888.)

I. On the passing of this Act it shall be lawful for the Board of Public Works for the Island of New Providence to grant to any Bank that may hereafter be established within these Islands permission to occupy the northern portion of the lower floor of the Eastern Public Building in the City of Nassau for the purpose of carrying on its banking business. *Provided* that such permission shall only be granted upon such special terms and conditions as may first be approved of by the Governor in Council.

Board of Works authorised to grant to any bank the use of the northern portion of lower floor of Eastern Public Building. Proviso.

No. 7.

52 Vic. c. 10. *An Act to amend the Law relating to the powers and duties of the Board of Public Works for the Island of New Providence.* (Assented to 9th May, 1889.)

I. From and after the passing of this Act so much of the eleventh section of the Act of Assembly, 37 Victoria, chapter 19, as limits the advance of money on account of any contracts entered into by the Board of Public Works for the performance of any public work to one half of the amount of such contract shall be repealed, and it shall be lawful for the said Board in any such future contract to make advances to such amounts as may in their opinion be advisable and proper.

Board of Public Works authorised to make advances on contracts to such amounts as they may deem proper.

II. When under the twelfth section of the aforesaid Act of Assembly proposals are called for and received by the said Board for the performance of public works it shall be lawful for the said Board to accept such proposals as in their opinion will be the most advantageous

Not necessary to accept lowest tender.

Board may make rules for preventing the misuser of any public roads or streets.

to the public service notwithstanding the same may not be lower in amount than other proposals made to and received by them for such work.

III. From and after the passing of this Act it shall be lawful for the said Board of Public Works, in addition to the powers given to them by the twenty-second section of the Act of Assembly, 37 Victoria, chapter 19, to make rules for regulating the use of abutments, steps, squares, and other lands and grounds; to make from time to time all such other rules and regulations as in their opinion may be required for preventing the misuser of any public roads or streets within the Island of New Providence, and the same to alter and amend as occasion may require, all which rules, original and amended, shall be approved and confirmed by the Governor in Council, and published as is required in the case of rules and regulations made under the said section.

No. 8.

53 Vic. c. 7. *An Act to consolidate and amend the Laws relating to the appointment of Commissioners of Public Works for the Out-land Districts of the Colony and the execution of Public Works in such Districts.* (Assented to 27th March, 1890.)

Title.

I. This Act may be cited for all purposes as "The Out-land Commissioners of Works Act, 1890."

Appointment of Commissioners of Public Works.

II. It shall be lawful for the Governor upon the commencement of this Act to appoint Commissioners of Public Works for the various Out-land Districts and Towns of the Government, and the persons so appointed shall constitute the Board of Commissioners for the District for which they have been so appointed for the term of twelve calendar months, at the expiration of which period another Board of Commissioners shall be constituted, and so on annually during the continuance in force of this Act. No such Board to consist at any one time, including the *ex officio* member hereinafter designated, of more than five members.

Vacancies, how filled.

III. Where any vacancy or vacancies shall happen upon any Board appointed under this Act, it shall be lawful for the Governor to appoint one or more person or persons to fill the same, and the person or persons so appointed shall continue a member or members of the Board to which he or they shall have been appointed for the residue of the term for which such Board has been constituted.

Chairman of Board.

IV. The Resident Justice or Assistant Resident Justice of the District shall be an *ex officio* member of every Board within this District, and shall when present take the chair at the meeting of every such Board, and in his absence the senior Commissioner in the order of appointment shall take the chair.

Board to have superintendence of roads and streets.

V. The said Board shall have the charge and superintendence of all public roads and streets, and shall, except in cases where other provision shall be made by law, have the charge of superintending the working and repairing of roads and the performance of other public works within their respective districts.

Grants of money to be paid to Commissioners.

VI. All sums of money granted for the performance of public works at the Out-lands shall be paid over to the Commissioners of Public Works appointed under this Act in such manner and under such directions as may be authorised by the Governor in Council, and such Commissioners shall thenceforth be the proper parties to superintend the execution of such works.

Meaning of "roads" and "streets."

VII. The words "roads" and "streets" as used in this Act shall comprise and be held to refer to all public ways under whatever designation they shall be known or used.

VIII. If any person or persons shall at any time by building or otherwise stop, obstruct, alter, encroach upon, or do any manner of damage to any part of the public roads or streets in any of the islands or districts aforesaid heretofore laid out or used, or hereafter to be laid out, every person so offending shall be summoned and required by the Commissioners of the island or district wherein such stoppage, obstruction, alteration, or encroachment shall be made or a majority of them forthwith to remove the same and to clear and amend the public road or street to which such damage may have been done as aforesaid; and in case any person so offending as aforesaid shall, after due notice to him or them given by the said Commissioners or a majority of them, neglect or refuse to move such obstruction or encroachment as aforesaid, and to clear and amend the public road or street to which such damage may have been done as aforesaid, such person shall be liable for every such neglect or refusal to a penalty not exceeding Ten pounds.

Encroachments on and obstructions of roads and streets, how dealt with.

Penalty.

IX. The Commissioners aforesaid, or a majority of them in their respective districts, shall have full power and authority to remove or cause to be removed all and every nuisance, obstruction, and encroachment, and cause to be repaired all and every damage heretofore done or to be done to the public roads or streets aforesaid and the expenses thereof shall be defrayed and paid by the person or persons by whose neglect or default such obstruction, encroachment, and damage shall have arisen and happened.

Power of Commissioners to remove encroachments, &c.

X. It shall and may be lawful for the proprietor or proprietors of any plantation on any of the islands aforesaid to erect or put up a gate across any public road or highway, and that no such gate shall be held or deemed a nuisance provided that the same be of a width of eight feet or more and be duly kept in repair by the proprietor or proprietors to the satisfaction of the Commissioners as aforesaid or a majority of them.

Gates not held to be a nuisance.

XI. All fines, penalties, forfeitures, and sums of money imposed and directed by this Act to be paid, and which shall not exceed the sum of twenty pounds, shall be sued for, recovered, and levied, together with reasonable costs and charges thereon, by a warrant under the hand and seal of any Justice of the Peace; and if such penalty, forfeiture, or sum of money shall exceed the sum of twenty pounds the same shall be sued for in any Court of Record having jurisdiction to the amount by and in the names of the said Commissioners or a majority of them respectively, by action of debt or other fit action, or by bill, plaint, or information, wherein there shall be no imparlance, and in case of a verdict against the defendant or defendants judgment shall and may be entered up with full costs of suit.

Recovery of fines and penalties.

XII. All penalties recovered under this Act shall be paid into the Public Treasury of these Islands in aid of the General Revenue.

Penalties to be paid into the Public Treasury.

XIII. If any of the said Commissioners or any other person or persons shall be sued for anything by him or them done in pursuance of this Act or of any other matter or thing therein contained, he or they may plead the general issue and give this Act and the special matter in evidence under such plea; and in case judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, or discontinue his or their action, the said defendant or defendants shall be entitled to his full costs of suit.

Commissioners may plead the general issue and give this Act in evidence.

XIV. The Acts 34 Victoria, Chapter 18, and the 49 Victoria, Chapter 1, shall be and the same are repealed. *Provided* that such repeal shall not affect the validity of any acts done thereunder.

Repeals. Proviso.

XV. This Act shall commence and take effect on the first day of May next.

When Act shall come into force.

No. 9.

55 Vic. c. 17. *An Act to amend the Act 37 Victoria, chapter 19, regulating the Department of Public Works.* (Assented to 8th April, 1892.)

Payment of expenses for cleaning drains in city and suburbs of Nassau.

I. All expenses incurred by the said Board of Public Works for the Island of New Providence in carrying out the provisions of the sixteenth section of the Act of Assembly, 37 Victoria, chapter 19, shall be paid out of the Public Treasury by warrant in the usual manner.

No. 10.

58 Vic. c. 21. *An Act to amend the Act of Assembly, 37 Victoria, chapter 19, regulating the Department of the Board of Public Works for the Island of New Providence.* (Assented to 7th June, 1895.)

Board of Public Works may make a contract with any person for the performance of all work which may be required to be done by the Board and for the supply of all necessary materials.

I. From and after the passing of this Act it shall be lawful for the Board of Public Works for the Island of New Providence in each and every year to make a contract with any person or persons for the performance for one year of all work which may be required to be done by the Board throughout such year, and for the supply to the said Board during such period of all materials whatever necessary for performing and carrying on any such work, upon such terms and conditions as to the said Board may seem reasonable.

Board to advertise for sealed proposals before making any contract.

II. Before making any such contract it shall be the duty of the said Board to advertise in the Official Gazette for sealed proposals for the performance of all such work mentioned in the preceding section under a contract for one year with two responsible sureties in such sum as the said Board may deem sufficient.

Repeals.

III. The twelfth section of the 37 Victoria, chapter 19, is hereby repealed.

No. 11.

59 Vic. c. 23. *An Act to amend the Act 58 Victoria, chapter 21, amending the Act 37 Victoria, chapter 19, regulating the Department of the Board of Public Works for the Island of New Providence.* (Assented to 30th April, 1896.)

Title.

I. This Act may be cited for all purposes as "The Amended Board of Public Works Act, 1896."

Provisions of 58 Vic. c. 12, not compulsory upon Board of Public Works.

II. The provisions of the Act of Assembly, 58 Victoria, chapter 21, shall not be deemed to be compulsory upon the Board of Public Works for the Island of New Providence, anything in the said Act to the contrary notwithstanding.

No. 12.

61 Vic. c. 12. *An Act to authorise the Board of Public Works to grant a lease of a portion of the Public Abutment at the end of Frederick Street, known as the Sponge Exchange.* (Assented to 31st May, 1898.)

Board of Public Works authorised to grant a lease of a portion

I. It shall be lawful for the Board of Public Works to grant a lease of that portion of the Public Abutment at the end of Frederick Street, in the City of Nassau, extending from the north frontage southwards,

and measuring 240 feet in length, together with the shed erected thereon, such lease to be granted to the Nassau Sponge Exchange Company, Limited, a corporation duly authorised by law.

II. Such lease shall date and take effect from the date of the expiration of the renewed lease granted under the provisions of the Act of Assembly, 43 Victoria, chapter 15.

III. The said lease shall be for a period of Ten years, at an annual rental of £30, payable half-yearly. Provided always, that the said Company shall have the right to renew the said lease on its expiring for a further term of Ten years.

IV. The breach of, or non-compliance with, the covenants and conditions to be inserted in the said lease shall work a forfeiture, and the lessors may in such case re-enter the said land and premises, and the lease shall thereby cease and determine.

V. It shall be lawful for the said Company to levy and demand from every person who shall expose sponge for sale in the open shed now erected on the said premises Wharfage Dues, to be calculated at a rate not exceeding one-half per centum on the gross sales of each vendor, and in default of payment of such dues the same may be recovered by due process of law.

VI. The said Company shall covenant in the said lease to keep the said open shed in good and tenantable repair, and to permit the public at all times to enjoy an unrestricted right of way through the same, and at the expiration of the lease, or renewed lease, to be hereby granted, the said open shed shall become public property.

VII. The Chairman of the Board of Public Works and any other two members of the Board shall execute the said lease when the same shall be valid and effectual for the purposes of this Act.

VIII. The Act of Assembly, 43 Victoria, chapter 15, shall be and the same is hereby repealed.

of Frederick
Street Abutment
to the Nassau
Sponge Exchange
Company
Limited.

Commencement
of lease.

Terms of lease.

Proviso.

Forfeiture of
lease.

Company may
levy dues.

Recovery of
dues.

Repair of shed.

Right of way.

Shed to become
public property.

Execution of
lease.

Repeal.

No. 13.

62 Vic. c. 30. *An Act to provide for the Numbering of Houses in the Island of New Providence.* (Assented to 20th May, 1899.)

I. This Act may be cited as "The Streets Improvement Act, 1899." Title.

II. From and after the passing of this Act it shall be lawful for the Board of Public Works for the Island of New Providence, in addition to the powers vested in them by any other Act of Assembly, to make rules and regulations subject to the approval of the Governor in Council for the following purposes:—

Board of Public
Works to make
rules for the
compulsory
numbering of
houses and
vacant lots in
New Providence

(a.) The compulsory numbering of all houses and vacant lots in the Island of New Providence, within such areas as the said Board may prescribe.

(b.) The order, design, and affixture of such numbering.

(c.) The extension or alteration from time to time of such prescribed areas.

(d.) The assessment of a penalty for the breach of any such regulation.

III. The said Board may from time to time alter or rescind any such regulation with the consent of the Governor in Council.

Regulations may
be altered or
rescinded.

IV. All regulations made under this Act shall be published in the Official Gazette of the Colony, and shall be deemed to have the force and effect of law, and any person violating any such regulation shall be liable on summary conviction to the penalty to be prescribed as aforesaid.

All regulations
to be published
in the Official
Gazette.

CLASS III.

ABUTMENTS.

No. 1.

22 Vic. c. 25. *An Act to improve the Harbour and Town of Nassau, and to afford greater facilities for repairing Vessels that have sustained damage, and for other purposes.* (April 30th, 1859.)

PREAMBLE.

WHEREAS it is expedient to make provisions for deepening the channels, facilitating the navigation, and otherwise improving the harbour of Nassau, as well as to afford greater facilities to commerce by extending the quays abutting thereon, and for repairing vessels that may have sustained damage; May it, &c.

I. Suspended by 33 Vic. c. 18.

II. to XII. inclusive repealed by 27 Vic. c. 5.

XIII. Inoperative.

Provision for the erection of slips and docks for the repair of vessels.

XIV. It being desirable to encourage the erection of slips or docks for the repair of vessels damaged at sea and otherwise, it shall be lawful for the Governor, acting under the advice of the Executive Council, to erect or to grant and secure to any person or persons who will undertake to erect or form any such slip or dock efficiently, within such time and at such place as the Governor in Council may approve, a monopoly thereof for the period of ten years; and any materials and machinery imported for the construction of the same may be admitted free of duty.

XV. Suspended by 33 Vic. c. 18.

XVI. to XX. inclusive repealed by 27 Vic. c. 5.

XXI. Repeals 36 Geo. 3, c. 3; 38 Geo. 3, c. 1; 40 Geo. 3, c. 9; 53 Geo. 3, c. 5, and 56 Geo. 3, c. 11.

No. 2.

27 Vic. c. 5. *An Act to amend an Act entitled "An Act to improve the Harbour of Nassau, and to afford greater facilities for repairing Vessels that have sustained damage, and for other purposes."* (Assented to 30th March, 1864.)*

PREAMBLE.

WHEREAS the provisions of the Act of Assembly, 22nd Vic. c. 25, providing for the extension of certain quays abutting on the harbour of Nassau, will, if carried into execution, entail a larger expenditure of public money than it is desirable to apply to the particular works by that Act contemplated to be performed, and it is therefore expedient that other provision should be made for improving the bay or strand in the Island of New Providence; May it, &c.

Empowers proprietors of certain lots of land to build out abutments.

I. That the proprietors of the several lots of land fronting northwardly on Bay Street, in the city of Nassau, and situate between Parliament Street to the east, and Fleming Square to the west, shall have, and they are hereby respectively invested with, full power and authority at any time within five years from the passing of this Act, to build out the abutments now lying in front of their respective lots into the harbour of Nassau to such an extent as will bring the northern boundary of such abutments in a line with the northern boundary of the main public abutment.

* See 52 Vic. c. 6, *post*, Part VIII., Class IX., No. 1, continuing provisions of sections authorising extension of abutments.

II. That, upon the completion of any abutment under the authority of the next preceding section, the same shall be inspected by the Civil Engineer of the colony, and if that officer shall find that the same has been properly built in the line by this Act designated, and is securely faced at the northern extremity and at all other portions thereof which abut in any way on the harbour of Nassau with blocks of stone of adequate size and quality, it shall be the duty of such officer to grant a certificate thereof under his hand, signed in the presence of one or more credible witness or witnesses, and upon such certificate being recorded in the office of the Registrar of Records for the colony, the entire lot, including as well the original portions as that extended under the provisions of this Act, shall be and become freehold property, and shall vest as such in the legal owner of the lot of land in front of which it is situate, with the right in such legal owner and his heirs to alienate the same, or any part thereof, separate and apart from the lot of land in front of which it is situated; but the freehold right hereby granted shall be subject nevertheless to the restrictions hereinafter by this Act imposed.

Civil Engineer to grant certificates of abutments being properly built—right of ownership vested.

III. That any proprietor of an abutment, situate within the limits aforesaid, who may have, prior to the passing of this Act, built out his abutment in the line by this Act designated, shall be entitled to the privileges by this Act conferred on, and vested in, the proprietors of abutment lots, on his obtaining and recording the certificate aforesaid, and thenceforth such abutment shall for all purposes be deemed and taken to be an abutment built out under the provisions of this Act.

Right of ownership conferred on persons who have already built out abutments.

IV. That the freehold rights by this Act conferred on the proprietors of abutment lots hereinbefore referred to shall be subject to the following restrictions, that is to say: it shall not be lawful to erect buildings on more than one half of the southern frontage of such abutment, and of such structure as shall from time to time be sanctioned by the Board of Public Works of the colony; and if any person or persons shall erect or commence to erect a building on any such abutment, without having first obtained the sanction of the said Board testified in writing under the hand of the Chairman for the time being of the said Board, or if any person or persons having obtained such sanction shall erect or attempt to erect a building of materials or size different from the materials or size sanctioned by the said Board, it shall be lawful for the Board, and they are hereby required as soon as the same shall become known to them, to institute all necessary legal measures for restraining the parties who may be violating this enactment from any further or continued violation thereof, and for compelling the removal of any building or buildings, or any part thereof, which may have been erected in contravention of this Act.

Power vested in Board of Works to impose certain restrictions on the erection of buildings on abutments.

V. That the proprietors of the several lots of land fronting southwardly on Bay Street, in the Island of New Providence, and situate between the main public abutment in the city of Nassau to the westward, and Culmer Street to the eastward, shall have and they are hereby invested with full power and authority, at any time within the period of five years from the passing of this Act, to build out their respective lots into the harbour of Nassau to such an extent as will bring the northern boundary of such abutments in a line within the northern boundary of the main public abutment: Provided that the northern boundary of every such abutment, as also any other part which abuts in any way on the harbour of Nassau, shall be securely faced with blocks of stone of adequate size and quality.

Limits the extent of building abutments to the eastward.

VI. That the proprietors of the several lots of land fronting southwardly on Bay Street, in the Island of New Providence, and situate between Culmer Street to the west, and the abutment of John Jamieson Finlayson, adjoining the premises of Mr. Lamotte to the east, shall have and they are hereby invested with full power and authority, at any time

Empowers the building of abutments as far as Mr. Finlayson's premises to the east.

Provides for the
repair of abut-
ments.

within the period of five years from the passing of this Act, to build out their respective lots into the harbour of Nassau to such an extent as will bring the northern boundary of such abutment in a straight line to extend from the extreme northern portion of the abutment of William H. Hall, Esq., at the westward, to the northern boundary of the abutment of the said John J. Finlayson, to the eastward: Provided that the northern boundary of every such abutment, as also any other part thereof which abuts in any way on the harbour of Nassau, shall be securely faced with blocks of stone of adequate size and quality.

VII. That it shall be the duty of the owner of every abutment extended under the authority of this Act to keep all portions thereof abutting in any way on the harbour in a perfect state of repair to the satisfaction of the Board of Public Works of the colony; and if any owner shall neglect to do so, it shall be lawful for the Board of Public Works, and they are hereby required, to cause all necessary repairs from time to time to be made, and the cost thereof shall be a charge on the abutment in respect of which the same was incurred, and payment thereof may be enforced either by action at law against the owner of the abutment or by warrant of distress, to be issued and executed in the same manner as warrants of distress for rents in arrear are issued and executed.

Lawful for Board
of Works to
cause public
abutments to be
built out, &c.,
and to have
public slips filled
in—Governor
power to defray
all expenses.

VIII. That it shall be lawful for the Board of Public Works, acting under the sanction of the Governor in Council, to cause the several public abutments in the Island of New Providence to be built out to the extent and in the line by this Act designated; and also to fill up the several public slips, and to extend them as abutment lots in manner aforesaid, and from time to time and at all times to keep the same properly faced and secured and in a complete state of repair; and it shall be lawful for the Governor from time to time, acting under the advice of the Executive Council, to defray all expenses incurred under this section out of the Public Treasury by warrant in the usual manner,

Proceedings
taken by Board
of Works to be
prosecuted in
the name of the
clerk.

IX. That in all proceedings taken by the said Board of Public Works under this Act it shall be lawful for the said Board to cause the same to be commenced and prosecuted in the name of the clerk, for the time being, of the said Board; and no such proceeding shall abate in consequence of the death or vacation of office of or by the clerk in whose name such proceedings were originally instituted, but the same shall be continued in the name of the clerk for the time being.

Authority and
limits for widen-
ing Bay Street.

X. Whereas it has become necessary to widen Bay Street in a line from the south-east corner of the Ice House on the market lot to the south-west corner of the residence of Henry Adderley, Esq.; be it enacted, that it shall be lawful for the Board of Public Works to widen the said street in manner aforesaid, and for that purpose to treat with the proprietors of the abutment lots lying between the Ice House and the residence of the said Henry Adderley, for the purchase of the requisite portions of the respective abutments, and to purchase the same on such reasonable terms as can be agreed on for the purpose; and in case the proprietor of any such lot will not sell the same on reasonable terms, or in case no proprietor of any such lot, or his lawful representative can be found within the colony, then to ascertain the value thereof by appraisement of two disinterested persons, one to be nominated by the proprietor, or in the absence of himself, or any legally-authorized representative, by the Chancellor of the colony, and the other by the Board of Public Works, and the decision of such appraisers shall be final, and the value of the land, as fixed by them, being duly certified under their hands, shall be paid out of the Public Treasury, with any incidental expenses connected with the transaction by warrant, of the Governor on a certificate of the Board of Works, of such valuation or agreement, as the case may be; provided that in case any such ap-

praisers should disagree upon the valuation of the space required from the said lots or either of them, they shall appoint an umpire to decide between them, and the decision of such umpire in the matter shall be as valid and final as if the value had been ascertained by the originally-appointed appraisers; and upon the valuation being paid to the proprietor, or in case such proprietor is absent, or a minor, or otherwise incapable of receiving the same on payment of the valuation thereof into the public bank of the colony, on behalf of such minor or absent proprietor, all right and interest of any such minor or absent proprietor in any such space or portion of such lot as aforesaid, shall cease and be barred as against the colony.

XI. That the several public abutments and slips hereinbefore referred to, and all other public grounds in the Island of New Providence which are not specially placed by some other Act of Assembly under other supervision, shall be and the same are hereby placed in charge of the Board of Public Works, and such Board shall have and they are hereby invested with full power and authority to make rules regulating the use of such abutments, slips, and other public grounds, and to impose penalties for the violation of such rules, provided that no rule so made shall have any force or effect until the same has been approved of by the Governor in Council, and the same as approved of has been published in three successive numbers of the official newspaper of the colony for the time being.

Abutments, slips, and other public grounds placed under supervision of Board of Works.

XII. That the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 16th, 17th, 18th, 19th, and 20th Sections of the 22nd Vic. c. 25, and the 25th Vic. c. 16, shall be and the same are hereby repealed.

Sections of Acts repealed.

No. 3.

32 Vic. c. 21. *An Act to amend the Act 27 Vic. c. 5, passed to amend the Act entitled "An Act to improve the Harbour of Nassau, and to afford greater facilities for repairing Vessels that have sustained damage, and for other purposes."* (Assented to 14th April, 1869.)

I. That from and after the passing of this Act, it shall be lawful for the Board of Public Works and they are hereby authorised and empowered to sanction the erection of staircases, of such materials and proportions as the Board may approve, alongside of the outer walls of any building now standing, or which may hereafter be erected upon the abutments extended under the provisions of the aforesaid Act of Assembly, 27 Vic. c. 5, so that no part of such staircase shall extend into and intrude upon any public street, road, or highway.

Board of Works empowered to sanction the erection of staircases.

II. And whereas several proprietors of parts of the before-mentioned abutments have put up staircases to certain buildings thereon erected, and having been subsequently notified by the Board of Public Works to remove the same, they have, by petition to the House of Assembly, prayed relief in the premises; be it therefore enacted that from and after the passing of this Act it shall be lawful for the Board of Public Works and they are hereby empowered, upon the application of such proprietors, to sanction the erection of such staircases so erected as aforesaid; such sanction to be granted in writing, under the hand of the Chairman of the said Board, and upon such sanction being so obtained the said staircases shall be deemed and taken to have been erected under the provisions of this Act.

Staircases already erected may be sanctioned by the Board of Works.

No. 4.

46 Vic. c. 21. *An Act to authorise the building of Wharves or Abutments in the Ports and Harbours in the Out-Islands of this Government.* (Assented to 5th May, 1883.)

Leave to build
out wharf or
abutment.

Proviso.

Proviso.

Wharf must be
built by plan and
kept in repair.

Right of inspec-
tion.

Notice in writing
to repair wharf.

Penalty.

I. It shall be lawful for the Commissioners of Public Works for any out-island, district, or town of this Government at any time hereafter, upon application made to them for the purpose, to grant permission in writing, signed by a majority of such Commissioners, to any person or persons residing and being in any such district, to build a wharf or abutment from the private land of such person or persons which may abut on to the port or harbour of the district in which such application is made into such port or harbour. *Provided*, however, that such permission shall only be granted by such Commissioners after a written application therefor has been made and a plan of the proposed wharf or abutment has been submitted to the said Commissioners and approved of by them, which application and plan shall be retained and kept by the said Commissioners as a record in their office. And *provided also*, that if any wharf or abutment built under the provisions of this Act shall extend across any public highway the rights of the public to the user of such highway shall not be thereby abridged, but the same may be exercised over and across such wharf or abutment notwithstanding the provisions of this Act.

II. It shall be the duty of every person or persons obtaining such permission, and building a wharf or abutment thereunder, to build the same in accordance with the plan submitted to the said Commissioners, and to maintain and keep the said wharf or abutment in good order and repair, and so that the same shall not impede or interfere in any way with the proper navigation of the port or harbour in which the same may be.

III. The Commissioners of Public Works of any district or town in which any wharf or abutment shall have been built into the port or harbour thereof, under the authority of this Act, shall have the right at all times to inspect and examine the said wharf or abutment, to ascertain whether the same is in the state and condition required by the preceding section, and for that purpose shall have the right to enter upon the private land of the person or persons to whom permission shall have been granted for the building of such wharf or abutment.

IV. Whenever after any such inspection and examination it shall appear to the said Commissioners that the said wharf or abutment is not in good repair and condition, and is likely to impede or interfere with the proper navigation of the port or harbour in which the same has been built, it shall be lawful for the said Commissioners to serve a notice in writing on the person to whom permission for the building of such wharf or abutment has been granted, requiring him at once to repair the same, and any person failing to obey such requisition shall be liable to a penalty of one pound for each and every day the said wharf or abutment shall remain unrepaired after the said notice shall have been duly served, which said penalty shall be recovered in any Court having jurisdiction to the amount claimed.

No. 5.

52 Vic. c. 20. *An Act to amend the Act 27 Vic. c. 5.* (Assented to 20th May, 1889.)

Board of Public
Works may sanc-
tion the erection
of buildings on

I. Notwithstanding the provisions of the Act 27 Victoria, chapter 5, it shall be lawful for the Board of Public Works for the Island of New Providence to sanction under the fourth section of the said Act the erec-

tion of a building or buildings on any of the Bay-lot premises referred to in the said Act, not yet extended; prior to the same being built out and extended as authorised and required by the said Act.

Bay-lot premises
not yet extended.

II. Such sanction shall, however, be only granted upon the proprietor of any such Bay-lot entering into a bond to the said Board of Public Works with two good and sufficient sureties conditioned:

Proprietor to
enter into bond.

(a.) For the building out and extending of the said abutment or Bay-lot premises in the manner required by the Act 27 Victoria, chapter 5, contemporaneously with the erection of the building sanctioned by the said Board of Public Works.

(b.) For the completion of such building out and extension within such time as may be limited by the Board, not exceeding the period of two years.

III. Nothing herein contained shall be held to confer on any person obtaining the sanction of the Board of Public Works under the first section of this Act any of the freehold rights granted to the proprietors of Bay-lot premises extended under the Act 27 Victoria, chapter 5, until the Bay-lot premises in respect to which such sanction has been obtained has been properly extended under such Acts, and upon a failure in the performance of the condition of any bond given under this Act, the provisions of the fourth section of the said Act 27 Victoria, chapter 5, shall apply, and the powers given thereunder to the Board of Public Works be exercised, and in addition thereto the penalty of any bond may be proceeded for by the said Board.

Freehold rights.

IV. And whereas since the passing of the Act 27 Victoria, chapter 5, certain of the proprietors of the lots of land fronting northwardly on Bay Street have disposed of all their right, title, and interest in the abutments lying in front of their respective lots, some of which abutments have been built out and extended by the person or persons so purchasing the same, while others have not. And whereas some doubts exist whether such dispositions are valid, and confer any right upon the parties who have become purchasers thereunder. For remedy whereof be it hereby enacted, that the building out of any abutment included in the aforesaid Act, 27 Victoria, chapter 5, by any person or persons who may have become possessed thereof by virtue of and under a conveyance from the proprietor of the lot fronting northwardly on Bay Street, and immediately opposite the abutments so conveyed, shall be deemed an extension under the aforesaid Act, entitling such person or persons to receive the certificate from the Civil Engineer of the Colony mentioned in the second section of the said Act; and, upon such person or persons obtaining such certificate and recording the same in the office of the Registrar of Records for the Colony, the said abutment, including the original portion as well as the extended portion, shall become freehold property, and shall vest as such in the person or persons who may have built out and extended the same and obtained and recorded the certificate of the Civil Engineer as aforesaid, with power of alienation over the same, but subject to the restrictions contained in the fourth section of the said Act, 27 Victoria, chapter 5.

Change in owner-
ship of certain
Bay street abut-
ments.

Doubts whether
dispositions are
valid.

Remedy.

What deemed an
extension.

Certificate of
civil engineer.

Certificate to be
recorded.

Original and ex-
tended portion to
become freehold
property.

Power of aliena-
tion.

Subject to re-
striction.

No. 6.

58 Vic. c. 25. *An Act to amend the Act of Assembly, 27 Vic. c. 5, relating to Abutments.* (Assented to 7th June, 1895.)

I. This Act may be cited for all purposes as "The Amended Abutment Act, 1895."

Title.

II. Where an abutment lying in front of any lot of land fronting northwardly on Bay Street shall be of a width of not more than forty

Buildings not ex-
ceeding 20 feet in
width may be

erected on the
southern front-
age of certain
abutments.

Proviso.

feet, and not less than thirty feet, the proprietor of such lot shall have the right to erect buildings thereon not exceeding twenty feet in width of the southern frontage of such abutment, anything in the fourth section of the Act of Assembly, twenty-seventh Victoria, chapter five, to the contrary notwithstanding.

Provided, however, that the privilege hereby extended to such proprietors shall be subject in all respects to the other provisions of the said section, and to the provisions of the first, second, and third sections of the Act of Assembly, fifty-second Victoria, chapter twenty.

CLASS IV.

LANDS HELD FOR PUBLIC USE.

VARIOUS Acts have from time to time been passed, and grants of money made for the purchase of lands on which public buildings have been erected, or which have been dedicated as public roads, and such Acts have appeared in different publications of the Laws; but as the purposes for which such Acts were passed and grants made have been accomplished it is considered unnecessary to continue the publication of the enactments in question, and they are therefore omitted from this compilation.

The following Acts, dealing with the acquisition of lands for public purposes, being of comparatively recent date, are here inserted as coming within this class:—

No. 1.

52 Vic. c. 15. *An Act to authorise the Purchase of Land in the Western District of the Island of New Providence for the purpose of erecting a Sea Wall.* (Assented to 9th May, 1889.)

Board of Works
empowered to
purchase lands.

I. It shall be lawful for the Board of Public Works for the Island of New Providence, and they are hereby empowered to negotiate with the owner or owners of the lands on the northern side of Bay Street lying between the premises of Samuel A. Kemp and northern extremity of the public drain to the westward of Augusta Street for the purchase of the same, and in case they can agree to purchase the same and take title therefor for the use of the public, subject to the disposition of the Legislature.

Value of land
may be ascer-
tained by ap-
praisement.

II. In case there shall be no one legally authorised to negotiate with and sell and dispose of the said lands, or in case the owner or owners thereof will not sell, or in case no proprietor of such lands, nor his lawful representative with adequate powers to sell, nor either of them can be found within the Colony, or in case such representative if found will not sell the same on reasonable terms, it shall then be lawful for the said Board of Public Works to ascertain the value thereof by appraisement by two disinterested persons, one to be named by the proprietor, or in the absence of such proprietor or any legally authorised representative in this behalf, by the Chief Justice of the Colony; and if any such proprietor or his legally authorised representative shall after four days' notice, to be given to him in writing, refuse or neglect to appoint an appraiser on his behalf, it shall be lawful for the Chief Justice to nominate and appoint an appraiser on his behalf, and the decision of such appraiser shall be deemed the value of the land, and such value being duly certified shall be paid out of the Public Treasury, with any incidental

expenses connected with the same, by Warrant of His Excellency the Governor on representation of the Board of Public Works of such valuation or agreement, or of such incidental expenses as the case may be; Provided that in case such appraisers shall disagree upon the value of the said lands, or any or either of them, they shall appoint an umpire to decide between them, and the decision of such umpire in the matter shall be as valid as if the value had been ascertained by the originally appointed appraisers; and upon the valuation being paid to the proprietor, or in case such proprietor is absent or a minor or otherwise incapable of receiving the same, on payment of the valuation thereof to the trustee of any such minor or minors, or by depositing thereof in the Post Office Savings' Bank of this Colony on behalf of such minor or absent proprietor, all right and interests of any such proprietor in any such space or portion of such land as aforesaid, shall cease and be barred as against the Colony. Provided that no valuation under this Section shall have any force or effect whatsoever until the same shall have been sanctioned by order of the Governor in Council issued by and with the advice and consent of the majority of the Members of the Executive Council, nor shall any such order be final until the same shall have been published one month in the newspaper in which Government notices are published, during which period it shall be competent for any person claiming any interest in the land referred to in any such agreement or valuation, to enter a caveat in the office of the Colonial Secretary against the confirmation of any such agreement or valuation, when and in every case no further action shall be taken in the matter until the same shall have been referred to the Legislature and dealt with by distinct legislative enactment.

Payment for land, &c., to be made out of Public Treasury.

An umpire to be appointed in case of appraisers not agreeing.

Valuation to be sanctioned by or Order of Governor in Council.

Caveat against confirmation of and valuation may be entered in office of Colonial Secretary.

Board empowered to erect a sea wall on northern frontage of lands.

III. Upon the acquisition of the land mentioned in this Act by the Board of Works, it shall be lawful for the said Board to cause to be erected a seawall on the Northern frontage of such lands in such manner, to such extent, and according to such plans as may be furnished by the Civil Engineer of the Colony as will prevent the encroachment of the sea.

IV. Whenever the said Board of Public Works shall notify the Governor that the said lands have been acquired as aforesaid, it shall be lawful for the Governor to issue his Warrant on the Public Treasury, authorising the payment to the said Board of the sum of two hundred and eighty-five pounds to enable them to carry out the work mentioned in the preceding clause.

Payment of £285 authorised.

V. Notwithstanding the provisions of the foregoing Sections, it shall be lawful for the said Board of Public Works, and they are hereby authorised, to expend the sum granted under this Act for the erection of a Sea Wall, in erecting the same to the Northward of the lands herein referred to without purchasing such lands upon the owners thereof consenting to such erection, and conveying to the said Board for the use of the public a free and absolute right of user and way of, in, over, on, and across the said land at any and all times hereafter.

Power given to Board of Works.

No. 2.

55 Vic. c. 2. *An Act to authorise the purchase of Land in the Western District of the Island of New Providence, for the purpose of constructing a Public Road.* (Assented to 10th October, 1891.)

I. It shall be lawful for the Board of Public Works for the Island of New Providence to lay out a public road, not exceeding thirty feet in width, between the ends of the present public roads at South-west Bay and Clifton in the Western District of the said Island.

Board of Public Works empowered to make a new road.

Authority to purchase land.

Value to be ascertained by appraisement on proprietor refusing to sell, &c.

Chief Justice to appoint an appraiser on refusal of parties, &c.

Umpire to be appointed in case of appraisers disagreeing.

Decision of the appraisers or umpire to be deemed the value of the land. The land to be vested in the Board of Works, in trust for the public.

Value of land to be paid by Board of Works.

Payment how made when the proprietor is not in the Colony or title in dispute.

Authority for payments.

II. Where the said road to be so laid out, or any portion thereof, crosses any land, not the property of the public, it shall be lawful for the said Board to treat with the proprietor of such land, and, in case they can agree, to purchase the same and take title therefor in the name of the said Board, in trust for the public.

III. In case the proprietor of such lands will not sell the portion desired on reasonable terms, or in case no proprietor of such lands can be found within the Colony, or in case of disputed ownership of such lands, it shall be lawful for the said Board of Works to ascertain the value of the portion or portions of land so desired by appraisement of two disinterested persons, one to be named by the proprietor; or in his absence, or in case of disputed ownership, by the Chief Justice of the Colony, the other by the Board of Works.

IV. It shall also be lawful for the Chief Justice of the Colony to name an appraiser in case of the refusal or neglect of any known proprietor to do so.

V. Where appraisers appointed as aforesaid disagree they shall appoint an umpire to decide between them.

VI. The decision of the appraisers, or, in case of their disagreement, that of the umpire, shall be deemed the value of the land, and such value being duly certified and the said certificate recorded in the office of Registrar of Records, the said land mentioned in such certificate shall thereupon vest in the Board of Public Works for the Island of New Providence in trust for the public, and be for ever freed and discharged from any other legal or equitable estate whatsoever.

VII. Where the proprietor of the land acquired under this Act is known, and the value of such land has been ascertained by appraisement, such value shall be paid over to him on application therefor to the Board of Works.

VIII. Where the proprietor of such land cannot be found within the Colony, or where the ownership of such land is in dispute, payment therefor in the first case shall only be made to such proprietor upon his return to the Colony, or to his legally appointed Attorney, upon satisfactory proof of ownership being made to the Board of Works; and in the latter case to such person who shall produce to the said Board a certificate from the Chief Justice of the Colony, that such person has proved to the satisfaction of the said Chief Justice that he is the owner of such land, and entitled to the appraised value thereof, which certificate, when recorded in the office of the Registrar of Records, shall be a bar to the claim or claims of any other person or persons whomsoever to the said land.

IX. It shall be lawful for the Governor whenever the said lands, or any of them, shall have been acquired, to issue his warrant on the Public Treasury authorising the payment to the said Board of Public Works of the amount of the valuation of such lands, and of any expenses incurred in arriving thereat.

No. 3.

60 Vic. c. 14. *An Act to authorise the purchase of a parcel or lot of Land in the Eastern District of the Island of New Providence for public purposes.* (Assented to 20th May, 1897.)

Title of Act.

I. This Act may be cited for all purposes as "The Acquisition of Lands Act, 1897."

Board of Public Works empowered to purchase a

II. It shall be lawful for the Board of Public Works for the Island of New Providence, and they are hereby empowered to negotiate with

the owner or owners of a parcel of land situated in the Eastern District of the Island of New Providence, and set forth and fully described in the Schedule hereto annexed, for the purchase of the same, and, in case they can agree to purchase the same, to take title therefor in trust for the public subject to the disposition of the Legislature.

certain parcel of land in the Eastern District of New Providence.

III. In case there shall be no one legally authorised to negotiate and sell and dispose of the said lands, or in case the owner or owners or any or either of them will not sell, or in case no owner or owners of such lands nor his or their lawful representative with adequate powers to sell nor either of them can be found within the Colony, or in case such representative if found will not sell, it shall then be lawful for the said Board of Public Works to ascertain the value of such lands by appraisalment.

Value of land may be ascertained by appraisalment.

IV. Such appraisalment shall be made by two disinterested persons, one to be named by the said Board of Public Works and the other by the owner or such of the owners as are within the Colony, which appointment shall be binding upon any absent owner or owners, or in the case of the absence of the owner or owners by his or their legally authorised representative, and in case of the absence of the owner or owners, and of any legally authorised representative, by the Chief Justice of the Colony.

Appraisalment, how made.

V. If any owner in the Colony, or the legally authorised representative of any owner absent therefrom, shall, after four days' notice given to him in writing by the said Board of Public Works, refuse or neglect to appoint an appraiser, it shall be lawful for the Chief Justice of the Colony to appoint an appraiser on his behalf.

An appraiser to be appointed by the Chief Justice in the event of owner refusing or neglecting to appoint one.

VI. The decision of appraisers so appointed as aforesaid shall be deemed the value of the said land.

Decision of appraisers deemed the value of the land.

VII. In case such appraisers shall disagree upon the value of the said land, they shall appoint an umpire to decide between them, and the decision of such umpire shall then be deemed the value of such land.

An umpire to be appointed in case appraisers disagree.

VIII. No valuation made under this Act shall have any force or effect until the same shall have been confirmed by order of the Governor in Council, nor shall any such order be final until the same shall have been published for three months in the Official Gazette, during which period it shall be competent for any person claiming any interest in the land referred to in such valuation to enter a caveat in the office of the Colonial Secretary against the confirmation of such valuation, when and in such case no further action shall be taken in the matter until the same has been dealt with by further legislative enactment.

Valuation to be confirmed by order of Governor in Council.

Caveat against the confirmation of valuation may be entered.

IX. Upon the valuation being paid to the owner or owners thereof, or in case any owner or owners thereof is or are a minor or minors, or in case any owner or owners thereof is or are absent from the Colony, then upon deposit of such valuation, or such part thereof as any infant or absent owner or owners may be entitled to in the Post Office Savings Bank of the Colony, all rights and interest of all and any of such owners as are described in this Section, and every other person whomsoever, shall cease and be barred as against the Colony, and the said lands shall vest in the said Board of Public Works in trust for the public subject to the disposition of the Legislature.

Valuation being paid the land shall vest in the Board of Public Works in trust.

X. Any deposit made in the Post Office Savings Bank shall be placed to the credit of the owner or owners of land acquired under "The Acquisition of Lands Act, 1897," and shall be paid out to such person or persons as shall produce a certificate from the Chief Justice of the Colony to the effect that such person or persons has or have shown to his satisfaction that he or they are entitled to the same or a part thereof.

Deposits made in the Post Office Savings Bank under "The Acquisition of Lands Act, 1897," shall be paid on the production of a certificate from the Chief Justice.

XI. All expenses incurred in the acquisition of the said lands and incidental thereto shall be paid out of the Public Treasury by warrant in the usual manner.

Payment of expenses.

Schedule.

SCHEDULE.

All that parcel or lot of land situated in the Eastern District of the Island of New Providence bounded as follows: On the North partly by the lot of land upon which stands the Victoria School House, and running thereon 37 feet, and partly by East Bay Street, and running thereon 5 feet on the East by the said Victoria School House lot, and running thereon 64 feet 6 inches on the South by land belonging to George Gray Darville, and running thereon 40 feet, and on the West by land belonging to Charles F. Millard, and running thereon 65 feet 6 inches.

No. 4.

60 Vic. c. 24. *An Act to authorise the purchase of a lot of Land in the City of Nassau for public purposes.* (Assented to 20th May, 1897.)

Short title.

I. This Act may be cited for all purposes as "The Land Purchase Act, 1897."

Authorises purchase of a lot of land in the City of Nassau for public purposes.

II. It shall be lawful for the Board of Public Works for the Island of New Providence, and they are hereby authorised at any time after the passing of this Act, to negotiate with the owner or owners of the lot of land situated in the City of Nassau, and adjoining on the west the public lot upon which stands the building known as the Vendue House, for the purchase of the same upon the most advantageous terms, and upon such purchase to take title therefor in trust for the public service of the Colony, subject to the disposition of the Legislature.

Expenses, how paid.

III. All expenses incurred in carrying out this Act and incidental thereto shall be paid out of the Public Treasury by the Governor in Council by warrant in the usual manner.

No. 5.

61 and 62 Vic. c. 30. *An Act to vest certain Land in the Western District of the Island of New Providence in the Board of Public Works for the purpose of making further public improvements.* (Assented to 10th August, 1898.)

PREAMBLE.

WHEREAS the Government has acquired certain lands on the northern side of Bay Street, extending to the westward of Augusta Street, and has erected a sea wall thereon:

And whereas it is desirable to make further public improvements in continuation thereof:

And whereas it is uncertain whether the land to be acquired under this Act is in its entirety public property; May it, &c.

Vests certain land in the Western District of New Providence in the Board of Public Works.

I. From the coming into operation of this Act all the land on the Northern side of Bay Street, and abutting on the sea from the public drain immediately at the westward of Augusta Street to the Western Esplanade, now the property of the Government, shall be and is hereby vested in the Board of Public Works for the Island of New Providence absolutely for the use of the Public.

Improvements to be made to the land by the Board of Public Works.

II. Upon the acquisition of the aforesaid land by the said Board of Public Works, it shall be lawful for the said Board to build or extend the said sea wall, or to make any and such further improvements as may be deemed necessary in the public welfare out of monies voted for

improvements to the Western Esplanade by "The Disposition of Surplus Public Monies Act, 1897."

III. Should any person or persons within six months from the coming into operation of this Act establish, to the satisfaction of the said Board, but not otherwise, that he, or they, had any legal right or title in the land so acquired, or any part thereof, it shall be lawful for the said Board to grant to such person or persons such reasonable sum by way of compensation, in respect thereof as may be agreed on and accepted by such person or persons.

Compensation for land to be made for any legal right established.

IV. In the event of such sum not being agreed on and accepted by such person or persons as aforesaid, the said Board of Public Works shall ascertain the value of any such acquired land by appraisement by two disinterested persons, one to be named by the said Board and one to be named by the person or persons claiming a right or title in respect of the said land, or any part thereof, or in the absence of such person or persons, or any legally authorised representative in his or their behalf by the Chief Justice of the Colony, and the decision of such appraisers shall be deemed to be the value of such acquired land, and such value being duly certified shall be paid out of the Public Treasury, together with any incidental expenses connected with the same by Warrant in the usual manner, on the representation of the said Board of such agreement or valuation, or of such incidental expenses as the case may be: Provided that, in case such appraisers shall disagree upon the value of the said land or any part thereof, they shall appoint an umpire to decide between them, and the decision of such umpire in the matter shall be valid and binding in all respects as if the value had been ascertained by the originally appointed appraisers.

Value of land to be ascertained by appraisement if necessary.

Authority for payment.

Umpire to be appointed in case appraisers disagree.

Provided, however, that the assessment of such acquired land, or any part thereof, shall be based solely on the present value of such land and not on any enhanced value which such land may have acquired from any public improvements made in pursuance of this Act.

Proviso.

Provided further, that nothing contained in this and the preceding section of this Act shall be read or construed so as to prevent the absolute vesting of the said lands in the said Board of Public Works as provided by section I. of this Act.

Proviso.

No. 6.

62 Vic. c. 10. *An Act to vest certain Land in the Eastern District of the Island of New Providence in the Board of Public Works for public purposes.* (Assented to 20th April, 1899.)

I. This Act may be cited for all purposes as "The Acquisition of Lands Act, 1899."

Title.

II. From the coming into operation of this Act all the land on the Northern side of Bay Street and bounded as follows: On the North by the Sea, on the East by land now used as a public recreation ground, and formerly known as the "Old Burial Ground," on the South by Bay Street, and on the West by a road separating from land and premises known as "Florence Villa," shall be and hereby is vested in the Board of Public Works for the Island of New Providence for the use of the public.

Certain land in the Eastern District of the Island of New Providence vested in the Board of Public Works.

III. Should any person or persons, within six months from the coming into operation of this Act, establish to the satisfaction of the said Board but not otherwise that he or they had any legal right or title in the land so acquired, or any part thereof, it shall be lawful for

Compensation to be made to any person establishing a legal right in the land.

Value of land
may be ascer-
tained by
appraisement.

Proviso.

Proviso.

Proviso.*

the said Board to grant to such person or persons such reasonable sum by way of compensation in respect thereof as may be agreed on and accepted by such person or persons.

IV. In the event of such sum not being agreed on and accepted by such person or persons, as aforesaid, the said Board of Public Works shall ascertain the value of any such acquired land, by appraisement by two disinterested persons, one to be named by the said Board and one to be named by the person or persons claiming a right or title in respect of the said land, or any part thereof, or in the absence of such person or persons, or any legally authorised representative in his or their behalf by the Chief Justice of the Colony, and the decision of such appraisers shall be deemed to be the value of such acquired land; and such value being duly certified shall be paid out of the Public Treasury, together with any incidental expenses connected with the same by Warrant in the usual manner, on the representation of the said Board of such agreement or valuation, or of such incidental expenses as the case may be; Provided that in case such appraisers shall disagree upon the value of the said land or any part thereof, they shall appoint an umpire to decide between them, and the decision of such umpire in the matter shall be valid and binding in all respects as if the value had been ascertained by the originally appointed appraisers.

Provided, however, that the assessment of such acquired land, or any part thereof, shall be based solely on the present value of such land.

Provided further, that nothing contained in this and the preceding section of this Act shall be read or construed so as to prevent the absolute vesting of the said lands in the said Board of Public Works, as provided by section II. of this Act.

CLASS V.

LANDS HELD BY THE WAR DEPARTMENT.

No. 1.

5 Vic. c. 4. *An Act to vest in Her Majesty's Board of Ordnance certain parcels of Land in the Town of Nassau.* (February 1st, 1842.)

No. 2.

5 Vic. c. 8. *An Act for vesting all Estates and Property in the Bahama Islands, occupied for the Ordnance Service, in the principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said principal Officers.* (February 19th, 1842.)

No. 3.

6 Vic. c. 4. *An Act to vest in Her Majesty's Board of Ordnance certain Parcels of Land in the Town of Nassau.* (February 14th, 1843.)

No. 4.

19 Vic. c. 14. *An Act for transferring to one of Her Majesty's principal Secretaries of State the Powers and Estates vested in the principal Officers of the Ordnance by certain Acts of the General Assembly of the Bahama Islands.* (April 1st, 1856.)

The foregoing Acts deal with lands in the Colony acquired by the Imperial authorities for military purposes.

Their titles only are given here, and they will be found in full in the reprint of the Laws of 1862 at pp. 472 to 480.

Parts of these lands have been disposed of to private parties; other parts have been dealt with by the Legislature of the Colony by the Hotel and Steam Service Act (61 and 62 Vic. c. 24), *post*, Part VII., Class XII., No. 8.

There are certain parcels still remaining subject to the provisions of the four Acts first hereinbefore mentioned.

CLASS VI.

QUIT RENTS.

SINCE the compilation of the Laws in 1862 the Acts 39 Geo. 3, c. 1, and 43 Geo. 3, c. 1, which were inserted in that work under this head, have been repealed; and although the Acts 3 Geo. 3, c. 4, and 9 Vic. c. 10, which were also included in the reprint of 1862 under this head, are still nominally in force, yet, as their operation has been in a great measure spent, it has not been thought necessary to include them in this publication.

CLASS VII.

DIVISION WALLS AND FENCES.

No. 1.

47 Geo. 3, c. 12. *An Act for regulating the making and repairing of Division Walls and Fences in the Island of New Providence.* (December 22nd, 1806.)

I. That from and after the passing of this Act it shall and may be lawful for the proprietor or proprietors of any lot, tenement, or tract of land, situate in any part of the Island of New Providence, to require the proprietor or proprietors of any adjacent lot, tenement, or tract of land, or his, her, or their tenant, attorney, or other person or persons in possession of the same, to assist in a fair and equitable proportion to make or repair such division, wall, and fence between such lot, tenement, or tract of land.

Proprietors of land to assist in making division walls.

II. That if any such proprietor or proprietors, or his or their tenant, attorney, or other person or persons in possession as aforesaid, shall neglect or refuse to comply with such requisition, it shall and may be lawful for any two justices of the peace or commissioners of

Proceeding in case of neglect or refusal so to do.

roads, streets, and highways for the district, upon application to them made for that purpose, to grant a warrant or precept, directed to any three indifferent freeholders of the district, commanding them to view the premises, and to make a report in writing to such justices or commissioners respecting the propriety of the requisition for such wall or fence, and what kind of wall or fence will be most proper for the situation of the premises, or what repairs will be necessary, if there be an old or insufficient wall or fence; which report, having been made, it shall and may be lawful for the person or persons who shall have made such requisition and application to proceed, under the order of such justices or commissioners, in laying out, making, or repairing such walls or fences, agreeably to the report of such freeholders; and when the same shall be completed, the same freeholders, or any three other indifferent freeholders of the district, shall, in like manner, be summoned to fix the price of the same, and to consider and make a report, in writing, to such justices or commissioners, respecting the particular convenience which such wall or fence may be to the parties respectively; and if the same shall be found more advantageous to one party than to the other, then that such freeholders shall apportion the expenses thereof accordingly; and if either of the parties shall neglect or refuse to pay his, her, or their proportion of such price or expense it shall and may be lawful for the justices or commissioners to grant a warrant for levying the same by distress and sale of the defaulters' goods and chattels.

Six pounds, old currency, penalty for non-attendance of freeholders.

III. That if any freeholder be summoned to attend, and shall neglect or refuse so to do, he shall forfeit and pay the sum of six pounds, unless such person or persons so summoned shall assign a reasonable excuse, upon oath, for such neglect to the satisfaction of the said justices or commissioners.

Persons may plead the general issue.

IV. That if any person or persons shall be sued or prosecuted for anything by him or them done, in pursuance of this Act, such person or persons shall and may plead the general issue, and give this Act, and the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs be non-suited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

No. 2.

4 Wm. 4, c. 2. *An Act for regulating the making and repairing of Division Walls or Fences in the several Islands therein mentioned.*
(November 12th, 1833.)

PREAMBLE.

Adjacent proprietors to assist in erecting division walls, &c.

WHEREAS it is necessary that provision should be made for enforcing the making and repairing of division or partition walls or fences on the several islands or districts following, that is to say: the Island of Watling's Island, the Island of St. Salvador, the Island or District of Rum Key, and that District of the Island of Eleuthera situate to the southward of the entrance of Starve Creek and extending due east across the said island; May it, &c., That it shall and may be lawful for the proprietor or proprietors, or any other person in possession, by authority of the proprietor or proprietors of any tract or tracts of land, on either of the islands or districts hereinbefore named, to require the proprietor or proprietors of any adjacent tract or tracts of land, or his, her, or their tenant, agent, attorney, or other person or persons in possession of the same, to assist in a fair and equitable proportion to make or repair division walls or fences between such tracts of land.

II. That if any such proprietor or proprietors, or his, her, or their tenant, attorney, or other person or persons in possession as aforesaid, shall neglect or refuse to comply with such requisition, it shall and may be lawful for any justice of the peace for the district, upon application to him made for that purpose, to grant a warrant precept, directed to any three indifferent freeholders of the district, commanding them to view the premises and to make a report in writing to such justice respecting the property of such wall or fence, and what kind of wall or fence will be most proper for the situation of the premises, or what repairs will be necessary, if there be an old insufficient wall or fence; which report having been made, it shall and may be lawful for the person or persons who shall have made such requisition and application to proceed under the order of such justice, in laying out, making, or repairing such walls or fences, agreeably to the report of such freeholders; and when the same shall be completed, the same freeholders, or any other indifferent freeholders of the district, shall, in like manner, be summoned to fix the price of the same, and to consider and make a report in writing to such justice, respecting the particular convenience which such wall or fence may be of to the parties respectively; and if the same should be found more advantageous to one party than to the other, then that such freeholder shall apportion the expenses thereof accordingly; and if either of the parties shall neglect or refuse to pay his, her, or their proportion of such price or expense, it shall and may be lawful for the justice to grant a warrant for levying the same by distress and sale of the defaulter's goods and chattels, in the same manner as goods are liable to be distrained according to law for the rent of lands or tenements in arrear and unpaid.

Penalty for refusal.

III. That if any freeholder so summoned to attend shall neglect or refuse so to do, he shall forfeit and pay the sum of six pounds, unless he shall assign a reasonable excuse, upon oath, for such neglect to the satisfaction of the said justice or commissioner, which penalty shall be recovered before the said justice, or any other of His Majesty's justices of the peace; and it shall and may be lawful for the said justice, or such other justices as aforesaid, to cause the same to be levied and made by public sale of the goods and chattels of the said offender by warrant of distress, addressed to any bailiff or constable, or other person or persons in such warrant to be specially therein named, and thereby appointed for the execution of the same.

Six pounds, old currency, penalty for non-attendance of freeholders.

IV. Persons sued for anything done in pursuance of this Act may plead the general issue and give the special matter in evidence, and on verdict for defendant, or non-suit of plaintiff, shall be entitled to treble costs.

Persons may plead the general issue.

V. Duration, ten years.*

Duration.

No. 3.

2 Vic. c. 10. *An Act to extend the provisions of 4 Wm. 4, c. 2, to certain other Islands within this Government.* (February 14th, 1839.)

THAT from and after the passing hereof, and for and during the continuance of the Act hereinbefore recited, within each and every of the islands and districts of this Government in which no provision has already been by law made for the regulation of boundary walls or

4 Wm. 4, c. 2, extended to all out-islands where there may be no provision by law regulating boundary walls.

* Further continued in force by 61 Vic. c. 18, *post*, Part VIII., Class IX., No. 6.

fences, all and sundry the provisions contained in the before-recited Act of the Fourth William the Fourth, chapter two, and every matter and thing therein contained, shall have the full force and effect of law; and all powers exercised thereunder shall be as valid to all intents and purposes as if each of the said islands or districts had in the said Act been respectively named, anything in the said Act contained to the contrary notwithstanding.*

CLASS VIII.

DEPARTMENT OF REGISTRAR OF RECORDS.

No. 1.

25 Vic. c. 15. *An Act to provide for the Appointment of a Registrar of Records, and for other purposes.* (Assented to 29th April, 1862.)

PREAMBLE.

WHEREAS, in and by an Act of the General Assembly of these islands, passed in the fourth year of the reign of King George the Third, entitled "An Act for the public registering and recording of all deeds and conveyances that are or shall be made of any lands, tenements, or hereditaments, negroes, vessels, goods, or effects within the Bahama Islands," it is amongst other things enacted that a public office for the registering and recording of deeds shall be established and kept at the Secretary's office, in the town of Nassau, to be managed and executed by the Secretary of these islands for the time being, or by his sufficient deputy, and by the same Act and various other Acts of the General Assembly aforesaid, the office of Registrar of Records is incorporated with that of Secretary of the colony:

AND WHEREAS in consequence of the large amount of official business which has in the course of time been thrown on the office of Secretary of the colony it has become necessary to make provision for disconnecting from such office the duties required to be performed under the various Acts of Assembly above referred to, and to establish a separate office for the registering and recording of deeds and other papers; May it, &c.:

A Registrar of Records to be appointed by the Governor in the name and on behalf of the Crown during pleasure.

I. That upon the commencement of this Act, and afterwards from time to time as vacancies shall occur, it shall be lawful for the Governor, by commission under the Great Seal of the colony, to appoint, in the name and on behalf of the Crown, a fit and proper person to be the Keeper and Registrar of Records for the Bahama Islands, to be styled "Registrar of Records," who shall hold his office during pleasure.

Office of Colonial Secretary to cease to be an office of record.

II. That upon the commencement of this Act the office of the Colonial Secretary shall cease to be an office of record, and all powers and authorities by any Act of the General Assembly of these islands given to the Secretary of the colony as Registrar of Records, or as Registrar of the Courts of Ordinary or Chancery shall cease and determine.

Registrar of Records appointed under the Act to take possession of the books of record, wills, and

III. That upon the first appointment of a Registrar of Records under this Act, the officer so appointed shall take possession of the several books of record, wills, and other papers deposited as records in the office situate in the eastern public building, in the town of Nassau,

* Further continued in force by 61 Vic. c. 18, *post*, Part VIII., Class IX., No. 6.

heretofore known as the Secretary's office, and of all furniture in the said office appertaining to it as a department of record, and such Registrar and his successors shall thenceforth have the custody of all such books and other records; as also of all future records, and shall keep the same either in the said office, or in such other office as shall from time to time be assigned or set apart by the Governor in Council, as an office of record under this Act.

other papers deposited as records in the Colonial Secretary's office.

IV. That the said Registrar of Records shall be assisted by a clerk, to be appointed by the Governor, under his seal-at-arms, who shall hold his office during pleasure, and shall be subject to the orders, and be under the control of the Registrar of Records for the time being, and who shall not hold any other office whatever while in the actual discharge of his duties as such clerk.

Registrar of Records to be assisted by a clerk.

The fifth clause is repealed by 26 Vic. c. 15; and the sixth clause, being a temporary clause which has ceased to be in operation, is omitted.

VII. That all deeds, of whatsoever nature or kind the same may be and wheresoever executed, may be recorded in the office of the Registrar of Records established by this Act, upon proof of the due execution thereof being made in manner hereinafter provided for.

All deeds may be recorded in the office of Registrar of Records upon proof of the due execution thereof.

VIII. That before a deed shall be entered in any book of record under this Act, the due execution thereof shall, except as hereinafter provided for, be proved by the oath or solemn affirmation (in cases where the law allows a solemn affirmation to be taken, by any particular class of persons) of one of the subscribing witnesses thereto, or by the acknowledgment of the party executing such deed, such oath, affirmation, or acknowledgment, as the case may be, shall be taken, when the party is in the Island of New Providence, before the Registrar, or when such party is resident on an out-island of the Government, before any justice of the peace, or notary public, or when such party is without the limits of the Government, before a judge, justice of the peace, or notary public, or other person legally authorised to administer an oath or take acknowledgments. Provided that when such oath, affirmation, or acknowledgment is made in a foreign country, the official character of the officer before whom the same was taken or made shall be attested by a British Consul; and provided also, that the oath, affirmation, or acknowledgment, by and before whomsoever the same may be taken and made, shall be endorsed on the deed, in proof of the execution of which it shall be taken or made, or shall be firmly annexed thereto by means of tape, ribbon, or some other like secure means, but not by wafers alone.

Mode of proof of execution of deeds specified.

Proof required to be endorsed on or annexed to deed proven by other secure mode than wafers alone.

Mode of proof when witness is resident in New Providence or an out-island of the Government.

IX. That when in any case it shall be made to appear, to the satisfaction of the Registrar, that the subscribing witnesses to any deed lodged in his office for record are dead, or are living without the limits of the colony, without there being any reasonable prospect of their speedily returning thereto, and that the party by whom such deed was executed is also absent from the colony, or that he has declined to attend to acknowledge the execution thereof, and there shall be nothing on the face of the deed or otherwise to raise a reasonable suspicion of its not being genuine, or that its execution was otherwise than *bonâ fide*, it shall be lawful for the Registrar to admit the same to record on proof being made before him on oath, to be endorsed on or annexed to the deed as aforesaid, of the handwriting of the party by whom the same was executed, or of the witness or witnesses thereto.

Provision for proving deeds where the subscribing witnesses are living out of the limits of the colony; and the party executing such deeds is also absent from the colony.

X. That the Registrar shall endorse on every deed lodged in his office, for record, the name of the party lodging the same, and the precise date on which the same was delivered to him, and all deeds so lodged shall be recorded in the order in which they are received by the Registrar; and when the recording of any deed shall be completed, the Registrar shall further endorse thereon a certificate, setting forth the

Registrar to endorse on every deed lodged for record the name of the party lodging and the precise date on which the same was delivered to

him; and when the recording of the deed is complete the particular book and page in which it is recorded.

Deed duly proved and recorded admitted as evidence in any Court of law, as also copies thereof duly certified by the Registrar.

Specification of documents which the Registrar may lawfully record.

Acts of Assembly, grants for land, or other letters patent under the Great Seal may be lawfully recorded by the Registrar in his office, upon the production of the same.

Records or certified copies thereof received as evidence in any Court of law or equity.

Deeds executed for valuable consideration for same property, which may be first recorded in the Registrar's office, in conformity with this Act, shall have priority and preference irrespective of date of deed.

particular book in which such deed is recorded, and the page or pages containing such record, and that such deed has been proved and recorded in strict conformity with the provisions of this Act, which certificate shall be dated with the day of the month and year on which the record was completed, and shall be subscribed by the Registrar, in his own proper handwriting, and bear his official seal, and every such certificate shall be received, admitted, and allowed in all courts of law or equity within the colony as conclusive proof of the matters therein certified to.

XI. That every deed, certified as aforesaid, having been proved and recorded under the provisions of this Act, shall be admitted as evidence in any Court of law and equity within these islands without any further or other proof of the execution thereof, and every record of a deed made under the authority of this Act, as also all copies of records duly certified by the Registrar to be true copies, shall also be admitted as evidence in any Court as aforesaid in the same manner as the deed of which the same purports to be a record, or copy of a record, is hereinbefore directed to be admitted, when certified as aforesaid, as having been proved and recorded under this Act.

XII. That the said Registrar of Records may lawfully record, when thereunto required, any agreement, letter, account, or other writing, except promissory notes or bills of exchange not under seal, upon proof being made before him upon oath or solemn affirmation by one or more credible witness or witnesses of the signature or signatures of the party or parties to such agreement, or of the handwriting of such letter, account, or other writings; and the record thereof shall have the same force and effect in any Court of law or equity within these islands, as the original agreement, letter, account, or writing would have if produced and proved therein.

XIII. That all Acts of the General Assembly, grants for lands, or other letters patent under the Great Seal of the said islands, may lawfully be recorded in the said office by the said Registrar upon the production of the same, and that the records of such Acts of Assembly, grants, or other letters patent, as shall be so recorded as also of such Acts of Assembly, grants, or other letters patent as are already recorded in the said office, or any copy of such records certified under the hand of the Registrar, shall be taken and received as evidence in any Court of law or equity in the said islands in and full and ample manner as if the original Acts of Assembly, grants, or other letters patent under seal as aforesaid were actually produced and shown forth therein.

XIV. That if any person or persons, after having made and executed any conveyance, assignment, grant, lease, bargain, sale, or mortgage of any lands, tenements, or hereditaments, or of any goods or other effects within these islands, or of any estate, right, or interest therein, shall afterwards, for good and valuable consideration, make and execute any other conveyance, assignment, grant, release, bargain, sale, or mortgage of the same, real or personal estate, or any part thereof, or any estate, right, or interest therein; such of the said conveyances, assignments, grants, releases, bargains, sales, or mortgages, as shall be first recorded in the said office, pursuant to the directions of this Act, shall have and take priority or preference; and the estate, right, title, or interest of the vendee, grantee, or mortgagee, claiming under such conveyance, assignment, grant, release, bargain, sale, or mortgage, so first recorded, provided the same shall have been executed for good and valuable consideration, and not otherwise, shall be deemed and taken to be good and valid, and shall in no wise be defeated or effected by any such previous conveyance, assignment, grant, release, bargain, sale, or mortgage, so made and executed, but not recorded, without any manner of reference whatever to the dates of

the execution of such deeds respectively, any law, usage, or custom to the contrary notwithstanding.

XV. That all and every person or persons whatsoever, being the subscribing witness or witnesses to any conveyance, gift, grant, release, bargain, sale, mortgage, power of attorney, or other deed whatsoever, or to any agreement, or other paper, not under seal, which under this Act may be recorded, shall upon reasonable request or demand in writing personally made or served in the Island of New Providence upon him, her, or them, by any party or parties to such conveyance, gift, grant, release, bargain, sale, or mortgage, power of attorney, or other deed or agreement, or other paper, or by any person or persons on his, her, or their behalf forthwith attend and wait upon the said Registrar at his office, and make or give such proof upon oath or affirmation as by this Act is required to be made or given preparatory to the recording thereof; and every such witness who shall neglect or refuse, for the space of forty-eight hours after such request or demand so made or served upon him or her as aforesaid, unless prevented by sickness, disability, or other sufficient cause, to attend the said Registrar at his said office for the purpose aforesaid, shall forfeit a sum not exceeding fifty pounds, to be recovered with costs in the General Court of these islands, by action of debt, at the suit of the Crown, wherein no imparlance shall be allowed or entered; one moiety of the said penalty to be to the use of the informer, or to him, her, or them, who shall sue for the same, and the other moiety to our Sovereign Lady the Queen, her heirs and successors, to go in aid of the expenses of this Government, and shall, moreover, be liable to any action which the party or parties aggrieved may think fit to bring in the said General Court against such witness for any damage or injury which such party or parties shall or may sustain by or in consequence of such neglect or refusal as aforesaid.

XVI. That the Registrar of Records shall be and he is hereby authorised and empowered to administer all oaths and to take all affirmations required to be taken or made by this Act; and if any persons having taken an oath or made a solemn affirmation under this Act before the said Registrar or any other person hereinbefore authorised to administer such oath or receive such affirmation to anything that is not true, every person so offending shall, on conviction, be liable to the same punishment as if he had been convicted of wilful and corrupt perjury.

XVII. That if any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any certificate, affidavit, affirmation, or other testimonial authorised by this Act to be granted, made, or taken, every person so offending shall be guilty of felony, and shall be liable, on conviction, to the same and the like punishment as is imposed by the Act of Assembly, 4 Vic. c. 31, on persons convicted of forgery under that Act.

XVIII. Repealed by 39 Vic. c. 8.

XIX. That no deeds or other papers lodged with or otherwise received by the Registrar of Records for record under this Act shall be entered in any of the existing books of record, but the said Registrar shall, as soon as practicable after the commencement of this Act, cause all such existing books to be properly indexed, and the same shall be kept and retained as records made under the authority of the Acts of Assembly heretofore passed and in force for the proper registering and recording of deeds and other papers, and the deeds and other papers recorded therein and the records thereof, and all copies of such records shall be governed by the provisions of those Acts, save and except that all copies of such records made after the commencement of this Act shall be certified by the Registrar of Records appointed under the autho-

Subscribing witnesses to deeds obliged, on reasonable request, to attend the Registrar at his office, and attest to the execution thereof in the manner required by this Act.

Registrar of Records empowered to administer oaths and take the affirmations required by this Act; punishment of persons making false oaths or affirmations.

Penalty on forgery or altering or putting off certificates, knowing the same to be forged or altered.

No deed lodged for record under the provisions of this Act shall be entered in existing record books duty of said Registrar in respect to existing record books.

Wills to be recorded in books provided for the purpose.

Certificates of naturalisation under Act 11 Vic. c. 4, duplicate registers of marriages under Act 2 Vic. c. 13, and registers of births and deaths under the Act 13 Vic. c. 7, to be returned to and kept of record in the office of the Registrar of Records.

Classification of records.

Provision for unrecorded deeds already lodged for record.

Provision for procuring by the Registrar of Records all necessary books of uniform size.

Provision for receipts for deeds lodged with the Registrar for record when required by the parties lodging the same.

Provision for an official embossing seal and press for office of Registrar of Records.

rity of this Act, and not by the Secretary of the colony, and shall be paid for as hereinbefore provided for.

XX. That all wills or other testamentary papers on which probate may be granted shall, together with the probate, be recorded in books to be provided for the purpose, and every record of a will and probate made under the authority of this section shall be received as evidence in any Court of law or equity within the colony, to the same extent as the will and probate of which it purports to be a record would be entitled to be received if produced, but not further.

XXI. That all certificates of naturalisation granted under the Act 11 Vic. c. 4, all duplicate registers of marriage under the Act 2 Vic. c. 13, and all registers of births and deaths under the Act 13 Vic. c. 7, shall respectively be returned to and kept of record in the office of the Registrar of Records established by this Act, and wherein either of the said Acts the words "Public Secretary," "Secretary of the Colony," or "Colonial Secretary" are made use of, they shall, from and after the commencement of this Act, be held to apply and solely refer to the Registrar of Records, and the office of Registrar of Records, as by this Act established and created.

XXII. That the records under this Act shall be classed under twelve heads, namely :

First : Freehold grants from the Crown.

Second : Leasehold grants from the Crown.

Third : Conveyances of real estate or personal estate to the Crown or for public uses.

Fourth : Trust deeds and mortgages.

Fifth : Conveyances of real estate for private uses, other than trust deeds and mortgages.

Sixth : Conveyances of personal estate for private uses other than as aforesaid.

Seventh : Wills.

Eighth : Powers of attorney.

Ninth : Letters of naturalisation.

Tenth : Marriage registers.

Eleventh : Registers of births and deaths.

Twelfth : Miscellaneous deeds and other papers not classed under either of the foregoing heads.

XXIII. That all deeds and other papers which, before the commencement of this Act, have been deposited in the Secretary's office for record, and which may remain there unrecorded at the time of the commencement of this Act, shall be delivered to, and be taken possession of by, the Registrar of Records first appointed under this Act, and such officer shall cause the same to be entered in their respective classes as records under this Act.

XXIV. That the Registrar of Records shall from time to time procure all necessary books to be of the same uniform size, binding, and lettering, which shall be used as books of record under this Act, the cost of which shall be defrayed out of the Public Treasury by warrant in the usual manner.

XXV. Whenever any person shall lodge any deed or deeds for record, the Registrar of Records shall, if thereto required of the party lodging the same, give a receipt therefor, in which the names of the parties to such deed shall be inserted, as also the date and nature thereof.

XXVI. The Registrar of Records shall, as soon as practicable, procure an official embossing seal and press for his office, with the words "Register of Records, Bahamas," upon the said seal, the expense of which shall be paid by warrant out of the Public Treasury in the usual manner.

XXVII. That the several Acts of Assembly heretofore passed for the public registering and recording of deeds, and which shall be in force at the time of the commencement of this Act, shall continue to be in force and apply to all deeds and other papers which have been recorded under the said Acts and to the records thereof, but shall not have any reference to the records made under the authority of this Act, or to the deeds or other papers recorded under the provisions thereof.

Provisions respecting Acts of Assembly heretofore passed for the public registering and recording of deeds.

XXVIII. That so much of the 4th section, 10 Vic. c. 27, as imposes fees on recording deeds and other papers, fees for copies of records, and fees on marriage licences and letters testamentary and administration, and on letters of guardianship; and so much of the 3rd section of the Act of the General Assembly, 14 Vic. c. 3, as prospectively constitutes the Colonial Secretary for the time being Registrar of Records and Registrar of the Court of Chancery, shall be and the same are hereby repealed.

Parts of certain Acts repealed.

XXIX. That this Act shall commence and take effect on the thirty-first day of May, in the year of our Lord one thousand eight hundred and sixty-two.

31st day of May, 1862, the date of commencement of this Act.

No. 2.

30 Vic. c. 21. *An Act to amend the Laws relating to the Registering and Recording of Deeds and other papers.* (Assented to 13th May, 1867.)

THAT all renunciations of dower, and all other papers certified or otherwise verified under the seal of any of Her Majesty's Courts of law of the colony, or of any other part of Her Majesty's dominions, as also all documents under the royal sign manual, may lawfully be recorded in the office of the Registrar of Records for the colony, in the same and the like manner as the several public documents mentioned and referred to in the thirteenth section of the 25 Vic. c. 15, can now by law be recorded.

Renunciations of dower and other documents may be recorded.

No. 3.

39 Vic. c. 8. *An Act to provide a more equitable Scale of Fees to be taken at the office of Registrar of Records.* (Assented to 9th February, 1876.)

I. That the following fees shall be payable at the office of Registrar of Records, viz :—

Authorises table of fees.

	£	s.	d.
For recording any Deed or other Instrument or paper of and under 6 folios of 72 words each	0	2	0
For recording any Deed or other Instrument or paper exceeding 6 folios per folio of 72 words	0	0	6
For recording every common Plat or Diagram	0	1	6
For recording every irregular Plat or Diagram	0	5	0
For recording grants of Land, Leases, and other Papers from the Crown, if under 8 folios	0	4	0
Do. do. do. for every folio exceeding 8	0	0	6
For recording every Appraisement of the Estate of a deceased person, if under 8 folios	0	4	0
Do. do. do. for every folio exceeding 8	0	0	6
For recording every Return of the Personal Estate of a deceased person, if under 8 folios	0	4	0
Do. do. do. for every folio exceeding 8	0	0	6

	£	s.	d.
For recording every Certificate of Naturalisation, if under 8 folios	0	4	0
Do. do. do. for every folio exceeding 8	0	0	6
For copies of all Documents on Record if such Documents shall be under 8 folios	0	4	0
Do. do. do. if exceeding 8 for every folio	0	0	6
For copies of Registers of Births, Deaths, and Marriages	0	2	6
For every Registrar's Certificate under his seal of office	0	1	0
For each search in the Registrar's Office (except when made by or at the instance of a Public Officer in a matter connected with the Public service)	0	1	0
On every Marriage Licence	1	0	0

	With a Will.			Without a Will.		
	£	s.	d.	£	s.	d.
*On Letters Testamentary and Administrative:						
When the estate and effects for or in respect of which such Letters Testamentary or of Administration respectively shall be granted, shall be under the value of £10	0	4	0	0	5	0
Of the value of £10 and under £20 ..	0	6	0	0	8	0
" " 20 " 30 ..	0	8	0	0	10	0
" " 30 " 50 ..	0	12	6	0	16	0
" " 50 " 100 ..	1	0	0	1	2	6
Over £100, £2 per centum.						

all which Fees for recording shall be paid to the Registrar before the deed or other paper in respect of the recording of which they are receivable is entered of record, and all Fees received by the Registrar shall be paid by him over to the Receiver-General and Treasurer to be applied in aid of the General Revenue of the Colony.

II. The eighteenth section of the Act 25 Victoria, chapter 15, and the Act 33 Victoria, chapter 10, shall be and the same are hereby repealed.

No. 4.

56 Vic. c. 12. *An Act further to amend the Laws relating to the recording of Deeds and other papers.* (Assented to 7th June, 1893.)

Poor settler's
licences may be
recorded.

I. All licences issued by the Governor of the Colony and designated Poor Settler's Licences may lawfully be recorded in the office of the Registrar of Records of these Islands in the same and the like manner as the several public documents mentioned and referred to in the thirteenth section of the 25 Victoria, chapter 15, can now by law be recorded.

Certain docu-
ments to be
recorded free of
charge.

II. Such licences and all deeds and other documents in connection with or relating to any department of the Public Service of these Islands, when produced for the purpose of being recorded, shall and may be recorded by the Registrar of Records without the payment of the fees now demandable by law for the record of deeds and other papers.

* These fees are now payable otherwise by 62 Vic. c. 14, *post*, No. 6 of this Class.

No. 5.

58 Vic. c. 14. *An Act to amend the Law relating to the Office of Registrar of Records.* (Assented to 26th April, 1895.)

I. On the passing of this Act so much of the first section of the Act of Assembly, twenty-five Victoria, chapter 15, as declares that the person holding the office of Registrar of Records shall not hold any other office whatever while in the actual discharge of the duties of Registrar of Records shall be and the same is hereby repealed. Repeals.

No. 6.

62 Vic. c. 14. *An Act to amend the Act of Assembly, 39 Victoria, chapter 8.* (Assented to 20th April, 1899.)

I. This Act may be cited for all purposes as "The Amended Fees Act, 1899." Title.

II. Wherever the words "principal Act" are used in this Act they shall be held to refer to the Act 39 Victoria, chapter 8. Definition.

III. In reading hereafter the principal Act the words and figures in the first section thereof— Repeal.

"For every Grant of Letters Testamentary or of Administration £0 2s. 6d." shall be omitted, and the same are hereby repealed.

IV. The duty imposed by the said first section of the principal Act on Letters Testamentary and Administrative shall hereafter be designated Probate Duty, and shall be paid by the executor or administrator to whom Letters Testamentary or of Administration have been granted over to the Receiver-General and Treasurer to be applied in aid of the General Revenue of the Colony. Directs mode of payment of Probate Duty.

CLASS IX.

SUMMARY REMEDIES FOR TRESPASSES AND OTHER INJURIES TO LANDS AND FOR INJURIES TO CATTLE AND SHEEP.

No. 1.

3 Vic. c. 2. *An Act to provide a summary remedy against the occupation of Land, by persons having no title to the same.* (June 21st, 1839.)

WHEREAS sundry lands within these your Majesty's Bahamas Islands have been and still are occasionally occupied and used by persons having no claim or pretence of title to or right of occupation in the same, and it is necessary that provision be made for the prevention of such encroachments; May it, &c., That the stipendiary justices of the peace within the said Islands, shall, in manner hereinafter mentioned, exercise a summary jurisdiction for the removal of all persons who have so taken, or shall take possession of any lands, *from the lands** of which they may so have taken, or shall take possession in such islands respectively, subject nevertheless to the provisions hereinafter mentioned.† PREAMBLE.

Summary jurisdiction to be exercised by stipendiary justices.

II. Repealed by 35 Vic. c. 23.

* The words in italics were originally omitted. See 2nd sec. 3 Vic. c. 37.

Stipendiary justices may receive information of any unlawful possession of land.

III. That it shall be lawful for every such stipendiary justice of the peace to receive any information which may be laid before him upon oath, charging any person or persons with having, without probable claim or pretence of title, entered upon, or taken possession of any lands in any of these islands: Provided that if the lands mentioned or referred to in any such information shall belong to or be invested in Her Majesty, her heirs or successors, such information shall be preferred by the Surveyor-General of the colony, or by some person acting under his authority and on his behalf; but if the lands mentioned or referred to in any information shall belong to or be invested in any body politic or corporate, or in any person or persons other than her Majesty, her heirs or successors, such information shall be preferred by the owner or owners of such lands, or by some person or persons who, as general or special agent, attorney, trustee, or otherwise, may be authorised to represent and to act for and on behalf of such owner or owners, or by some person or persons who may be authorised by the justices of the General Court of the colony, to prefer such information.

Stipendiary justices to issue summons for the appearance of offenders.

IV. That every stipendiary justice before whom any such information shall be preferred shall issue his summons for the appearance before him of the party or parties alleged to have so illegally entered upon or taken possession of such land, and of any other person or persons whom it may be necessary or proper to examine as a witness or witnesses, on the hearing of any such information, and shall proceed in a summary way, in the presence of the parties, or in case of the wilful absence of any person against whom any such information shall have been laid, then, in his absence, to hear and determine such information; and in case, on the hearing thereof, it shall be made to appear by sufficient evidence to the satisfaction of such justice, that the party or parties against whom the same shall have been laid hath or have entered upon or taken possession of the land mentioned or referred to in such information without any probable claim or pretence of title, then such justice is hereby authorised and required to make an order, directing such party or parties to deliver up to her Majesty, her heirs or successors, or other the owner or owners of such lands, or persons preferring the information, as the case may be, to be named in such order, peaceable possession of such lands, together with all crops growing thereon, and all buildings or other immoveable property upon and affixed to the said lands; and in case the party or parties against whom any such order shall have been made, shall not within a fortnight after service thereof, deliver up possession of the said lands and premises pursuant to the said order, then and in such case it shall be lawful for such justice to adjudge such party or parties to be imprisoned, with or without hard labour, for any time not exceeding fourteen days; and to make a further order for the immediate delivery over of the possession of such land and premises to Her Majesty, her heirs and successors, or other the body politic or corporate, or person or persons whom such justice may have found to be entitled to the possession thereof, and who shall be named in such further order; and the Governor shall thereupon cause possession thereof to be delivered to her Majesty, her heirs or successors, or to such body politic or corporate, or person or persons accordingly.

How to proceed when they do not appear.

Offenders, how dealt with.

Persons not giving up lands, &c., how dealt with.

Proviso in case of five years' quiet possession.

V. That no such order for the delivery up of possession of any such lands shall be made by any such justice as aforesaid, if it shall appear to such justice that the party or parties against whom any such order is sought hath or have been, by himself or themselves, or by those under whom he or they claim title, in the quiet possession of the land mentioned or referred to in any such information for five years* next before the date thereof, or that such party or parties hath or have any probable

* Altered to one year by 3 Vic. c. 37,

claim or pretence of lawful right to such lands, or to the occupation thereof.

VI. That for the purpose of any such order to be made by any such justice as aforesaid, the adjudication of such justice shall be conclusive as to the title of the person to whom delivery of the said lands and premises may be directed to be made; but nothing herein contained shall extend to take away or abridge the jurisdiction by law vested in the General or other Superior Court of Civil Justice of the colony, in taking cognizance of, and adjudicating upon, titles to land: and any person against whom any such order as aforesaid may have been made, may, notwithstanding such order, proceed by the ordinary course of law to recover possession of such lands in case he shall be able to establish a title thereto, and may also in such case recover a reasonable compensation for the damage he may have sustained by reason of his having been compelled to deliver up possession of the said premises; and in the like manner, in case of the dismissal of any such information, the party having preferred the same may proceed before the ordinary tribunals, as if no such information had been preferred.

The adjudication of stipendiary justices to be conclusive as to title.

Not, however, to prevent parties affected by such adjudication from trying their right in superior Court.

VII. Provided always, that in case any such information shall be dismissed, it shall be lawful for the said justice, if he shall think fit, to order the person by whom the same may have been preferred, whether such information may have been preferred by the Surveyor-General or by any other person, to pay to the party or parties against whom the same may have been preferred, such sum as the said justices may consider to be the amount of costs fairly incurred by such party or parties by reason of such information so dismissed: and the payment of such costs may be enforced in the same way as the payment of other debts may be enforced within these islands.

In cases of dismissal of information.

VIII. and IX. Repealed by 35 Vic. c. 23.

X. That no order made by any stipendiary justice, in the execution of the jurisdiction so vested in him, shall be liable to be reversed, set aside, appealed from, or questioned by any Court of Justice in the colony; but the same shall to all intents and purposes be binding, final, and conclusive; subject nevertheless to the rights of the parties to proceed, as hereinbefore mentioned, before the ordinary tribunals of the colony.

Order of stipendiary justice final.

XI. That for all acts done by any stipendiary justice in the exercise of the jurisdiction hereby vested in him, such justice shall have and be entitled to the same protection and indemnity as, by any law in force in the colony, any magistrate is entitled to claim or to have in respect of any act done by him in execution of the powers vested by law in him.

Stipendiary justices entitled to same protection as other justices.

XII. That for the purposes and within the meaning of this Act, the officer lawfully administering the government of the colony shall be deemed and taken to be the Governor thereof.

Who to be deemed the Governor.

XIII. Repeals 4 Wm. 4, c. 37.

No. 2.

3 Vic. c. 37. *An Act to amend an Act entitled "An Act to provide a summary remedy against the occupation of Land by persons having no title to the same."* (February 20th, 1840.)

I. This section, which protected persons being in possession of land for one year from being ejected by summary process, is altered by 7 Vic. c. 13, *post*, No. 4.

II. And whereas in framing the first section of the Act, to which this Act is an amendment, certain words were omitted, the omission of

The first section of original Act explained.

which has rendered the meaning of the said section obscure; for remedy whereof be it, &c., that from and after the passing of the Act the said first section of the Act, to which this Act is an amendment, shall be construed in the same and in the like manner as if the said first section had been and was worded as follows, that is to say: "That the stipendiary justice of the peace within the said islands shall, in manner hereinafter mentioned, exercise a summary jurisdiction for the removal of all persons, who have so taken or shall take possession of any lands, from the lands of which they may so have taken, or shall take, possession in such islands respectively, subject nevertheless to the provisions hereinafter mentioned."

No. 3.

7 Vic. c. 13. *An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide a summary remedy against the occupation of Land by persons having no title to the same.'"* (February 7th, 1844.)

PREAMBLE.

Persons unlawfully intruding on land may by summary process be ejected if not an occupant of upwards of two years.

WHEREAS in and by the first section of an Act passed in the third year of your Majesty's reign entitled "An Act to amend an Act entitled 'An Act to provide a summary remedy against the occupation of land by persons having no title to the same,'" it is enacted that from and after the first day of September next after the passing of the said Act it shall not be lawful for any stipendiary justice of the peace to make any order under the Act to which the said Act is an amendment, for the delivering up of the possession of any lands whatsoever, if it shall appear to such justice that the party or parties against whom any such order is sought, hath, or have been by himself or themselves, or by those under whom he or they claim title in quiet possession of the land in respect of which such order is sought for one year next before the date of the information lodged before him by the party or parties claiming right or title thereto. And whereas the period thus limited has been found to be too short; May it, &c., that the period named in the said first section of the said hereinbefore in part recited Act of the third year of Her Majesty's reign shall be extended from the period of one to the period of two years.

No. 4:

8 Vic. c. 46. *An Act to amend an Act entitled "An Act to provide a summary remedy against the occupation of land by persons having no title to the same." (May 14th, 1845.)*

PREAMBLE.

WHEREAS in and by the fourth section of an Act passed in the third year of Her Majesty's reign, entitled "An Act to provide a summary remedy against the occupation of land by persons having no title to the same," it is amongst other things enacted that in case the party or parties against whom any order shall be made under the said Act for the delivering up the possession of any lands, shall not within a fortnight after the service of such order deliver up possession of the lands in respect of which such order was made that it shall be lawful for the justice making the order to adjudge the party or parties disobeying the same to be imprisoned with or without hard labour for any time not exceeding fourteen days, but no provision is made for the punishment of a party or parties, who, having complied with any such order, shall

nevertheless after having so complied again take possession of the same land, for remedy whereof may it, &c., that if any party or parties against whom an order shall have been made by any stipendiary justice of the peace under the authority of the Act to which this Act is an amendment requiring him, her, or them to deliver to any other party or parties peaceable possession of any land or lands, shall, after having obeyed such order, again take possession of the same land or lands in respect of which such order had originally been made or any part thereof, it shall be lawful for the justice by whom such original order was made, or for any other stipendiary justice of the peace, to adjudge the party or parties so offending, to be imprisoned with or without hard labour, in any lawful place of confinement within these islands, for any term not exceeding one calendar month, and to make a further order for the immediate delivery of the possession of such land to the party or parties entitled thereto; and for every repetition of such offence the party or parties offending shall be liable to be punished in the same and the like manner.

Penalty on persons repossessing themselves of lands from which they have been dispossessed by the order of a stipendiary justice.

No. 5.

21 Vic. c. 18. *An Act for more effectually providing for the detection and punishment of persons cutting Timber or other Wood or Bark off of Lands within these Islands without the licence or authority of the owners of such Lands, and for other purposes.* (April 20th, 1858.)

WHEREAS an illegal practice of cutting, felling, or destroying timber and other standing wood, without due authority from the owners of the land, on which such timber or other wood may be growing, has for some time existed, to the manifest injury of the owners thereof, and it is expedient to provide for the detection and punishment of persons so offending; May it, &c.

PREAMBLE.

I. That from and after the commencement of this Act, if any person shall cut, break, root up or otherwise damage or destroy the whole or any part of any tree, sapling, or shrub, or any underwood, without having first obtained the licence or authority for so doing of the person having lawful charge or control of the land on which such tree, sapling, shrub, or underwood was growing, every person so offending shall, on conviction before any one of Her Majesty's justices of the peace, for the first offence forfeit and pay over and above the value of the property, or the amount of injury done, such sum of money not exceeding five pounds as to the convicting justice shall seem meet, and in default of payment thereof, he shall be liable to be committed to any lawful prison in the colony for any term, not exceeding, sixty days, and if any person so convicted shall afterwards be guilty of a similar offence he shall be liable, on conviction in manner aforesaid of any second or subsequent offence, in addition to the pecuniary penalty aforesaid, to be committed to any lawful prison in the colony, and to be there kept to hard labour for any term not exceeding four months as the convicting justice shall deem fit.

Penalty on any person who shall cut, break, root up, or otherwise damage or destroy the whole or any part of any tree, sapling, shrub, or underwood without licence or authority from the person having lawful charge of the land on which the same was growing.

II. That from and after the commencement of this Act, the master of every vessel or boat arriving at any port of entry of this colony, from any other port or place in the colony, laden either wholly or in part with timber, or other wood or bark, the growth of these islands shall, in addition to the report now required by law to be made at the Revenue Office of the district, make a special report showing the authority under which such timber or other wood or bark had been cut, and the particular

Duty of masters of vessels arriving at any port of entry from any other part of the colony laden wholly or in part with timber, wood, or bark, the growth of the colony.

locality of the land from which the same was cut; and shall further answer all such questions relating to such timber or other wood or bark, and the cutting and shipment thereof, as shall be put to him by the officer in charge of the revenue district at which such vessel shall have so entered; and every master who shall neglect to make such special report, or who shall make in any particular an untrue report, or who shall not truly answer every question which may be put to him as aforesaid, shall forfeit and pay the sum of five pounds.

Power of revenue officer in respect to vessels arriving with cargo described in preceding section.

III. That if any such master shall neglect to make the report aforesaid, or if the revenue officer in charge at the port at which any such vessel shall enter, shall not be satisfied of the truth of the report made by the master of such vessel, it shall be lawful for such officer to arrest and detain the vessel and cargo, until he shall be able from inquiry to satisfy himself that the timber, or other wood or bark on board of such vessel, had been cut with the licence or authority of the owner of the land on which the same had been growing, or his or her legal representative; and if any such timber or other wood or bark shall have been cut without the licence or authority of the owner of the land in which the same grew, or his or her legal representative, the master of such vessel shall be deemed to have feloniously stolen the same, and shall on conviction be liable to be proceeded against and punished as for larceny at common law: Provided, however, that it shall be optional with the party aggrieved, or the officer representing the Crown, to proceed against the parties under the first section of this Act.

Constables empowered to stop any description of vehicle laden with timber until the question of ownership is settled.

IV. That for the more effectual detection and punishment of offences against this Act it shall be lawful for any constable to stop any cart, waggon, or other vehicle laden, or partly laden with timber or other wood, and to inquire of the driver or person in charge thereof as to where, and the authority under which, the same had been cut, and if not satisfied that it had been duly cut, under licence from the owner of the land on which the same grew or his or her legal representative, it shall be lawful for such constable to seize such cart, waggon, or other vehicle, and its contents, and to detain the same until the question of ownership of the timber or other wood shall be submitted to some justice of the peace, and every justice of the peace is hereby authorised and empowered summarily to inquire and adjudicate thereon.

Constables empowered to stop and detain any person conveying by any vehicle any fruit, the growth of the Island of New Providence, until the question of ownership is settled.

V. That in the case of persons bringing or conveying to the town of Nassau, for sale or any other purpose, any fruit the growth of the Island of New Providence, it shall be lawful for any constable to stop any person so conveying such fruit, or any cart, waggon, or other vehicle laden, or partly laden with the same, and to inquire of such person or persons the plantation or allotment where the said fruit was produced, and if not satisfied that it had been properly obtained, it shall be lawful for such constable to seize such fruit, cart, waggon, or other vehicle, and to detain the person or persons bringing such fruit for sale, until the question of ownership of the said fruit shall be submitted to some justice of the peace; and every justice of the peace is hereby authorised and empowered summarily to inquire into and adjudicate thereon; and any person convicted of having unlawfully taken such fruit, shall be subject to the punishment in the first clause herein enacted.

Onus probandi on the person in whose possession timber, bark or fruit may be found.

VI. That in all prosecutions, proceedings, or inquiries under this Act, the *onus probandi* shall be on the person or persons in whose possession any timber, or other wood or bark or fruit, shall have been found, to show that he or they was or were legally possessed thereof.

Appropriation of penalties.

VII. That one moiety of all penalties and forfeitures imposed by this Act shall, when recovered, be paid into the Public Treasury for and towards the support of the Government of the colony, and the other moiety shall be to the use of the person or persons on whose information the conviction shall have taken place.

VIII. That any person sued for anything done or alleged to be done in virtue or pursuance of this Act may plead the general issue, and under the same give this Act, and all special matter in evidence, and in case of judgment for the defendant, or discontinuance of suit, the defendant shall have double costs.

IX. Commencement.

X. Original duration.*

Protection of
persons sued
under this Act.

No. 6.

22 Vic. c. 12. *An Act to provide for the impounding of Cattle running at large, and for other purposes.* (April 30th, 1859.)

I. That it shall be lawful for any two justices of the peace (of which on islands whereon a police magistrate is resident such police magistrate shall be one) to authorise the erection or use of one or more public pounds in each town, district, or settlement within these islands, in which pounds all cattle liable to be impounded shall and may lawfully be kept and detained.

Erection of
public pound
authorised.

II. That it shall be lawful for any two justices of the peace (of which, on islands whereon a police magistrate is resident, such police magistrate shall be one) to appoint a keeper to each pound (other than those erected on private land at the expense of the owner or occupier thereof), and the keepers so appointed shall be entitled to have and receive the several fees of poundage hereinafter enumerated.

Provision for
appointment of
pound keeper.

III. That when any such pound shall be erected on private land at the expense of the owner or owners, occupier or occupiers thereof, it shall be lawful for such owner or owners, occupier or occupiers, or any person by him, her, or them appointed, to demand and receive the several poundage fees hereinafter enumerated: Provided always, that it shall not be lawful to place or detain cattle in any place erected as a pound on private land as aforesaid until the owner or owners, occupier or occupiers, of such land shall have obtained a certificate from two justices of the peace, to the effect that they have inspected the said place, and consider it a fit and proper place for impounding cattle, which certificate shall continue in force for twelve months and no longer, after the expiration of which period a new certificate must be granted before such place can be continued to be used as a pound.

Poundage fees,
where pounds
are erected on
private land,
payable to the
owners or occu-
piers thereof.
Proviso.

IV. That the following fees of poundage shall and may be lawfully demanded and received by the several persons entitled to fees of poundage under this Act, viz.:—For every horse, mare, gelding, mule, ass, bull, cow, steer, heifer, calf, sheep, lamb, goat, kid, hog or pig impounded, ninepence, and in addition for every day any such animal may remain in such pound after the first day, threepence, and the owner or owners of all animals so impounded shall also be liable to pay for any necessary food supplied to such animals during the period of their being impounded.

Poundage fees
specified.

V. That it shall be the duty of the keeper of every pound established under this Act, within twenty-four hours after any animals shall have been placed in such pound, to give notice thereof to a justice of the peace under a penalty of ten shillings for each and every neglect. And it shall be the further duty of the pound keeper to take care that every animal so impounded shall be daily supplied with suitable food and water while under his charge, under a penalty of forfeiting five shillings for each day of such neglect.

Duty of pound
keeper.

* Further continued in force by 61 Vic. c. 18, *post*, Part VIII., Class IX., No. 6.

Further duty of
keeper of public
pounds.

VI. That it shall be the further duty of the keeper of every public pound in the Island of New Providence to take care that the pound under his charge shall be from time to time duly scavenged by the respective scavengers of the districts in which such pound shall be erected, and the same duty shall be included in any contract hereafter to be made with the Board of Works.

Power of owners
of land in
respect to cattle
straying thereon.

VII. That from and after the passing of this Act, if any cattle shall stray from the lands of the owner or owners thereof, or be suffered to run at large by such owner or owners, and shall enter the land of any other person or persons, it shall be lawful for the party upon whose land such cattle shall enter, to seize the same and convey or cause the same to be conveyed within twenty-four hours after such seizure to the nearest public pound: Provided such pound shall be within five miles of the land upon which such cattle shall have trespassed, but in case such land shall be at a greater distance than five miles from such nearest pound, then, and in every such case it shall be lawful for the party aggrieved to detain such cattle on his or her land until satisfaction shall be made in manner hereinafter mentioned. Provided, however, that in every such case as last aforesaid the person so detaining such cattle shall, within four and twenty hours, give notice of such detention to a justice of the peace, and require such justice to investigate and adjudicate on the case in manner hereinafter mentioned.

Proviso.

Duty of justice
of the peace
on receiving
notice under the
two preceding
sections.

VIII. That upon any notice being given to a justice of the peace under either of the preceding sections of this Act, it shall be the duty of such justice, within forty-eight hours thereafter, to proceed to adjudicate on the case, and if the owner of any cattle impounded shall not be known it shall be lawful for such justice to order such cattle to be sold at public auction, giving a written notice, if in the Island of New Providence at the public pound and Vendue House, and if at an out-land in the most public manner for at least three days of such intended sale, and the proceeds of such sale shall be applied in liquidating all poundage fees and expenses, and in satisfying the damages sustained by any party aggrieved; and the overplus, if any, shall be then paid into the Public Treasury of these Islands, to be applied (if not demanded, and proof of the property made within twelve months) towards the support of Her Majesty's Government within these islands.

Cattle not al-
lowed to run at
large, or to be
tethered in any
public street or
public ground.

IX. That it shall not be lawful for any person to permit or suffer any horse, mare, or gelding, mule or ass, or any bull, cow, steer, heifer, or calf, or any goat, kid, sheep, lamb, hog, or pig, to be at large in the streets or highways, or any uninclosed grounds within the Island of New Providence, or within the limits of any island, district, or town within the colony to which this section shall extend or be extended under the after provisions of this Act, or to tether or cause or allow any horse or other animal as aforesaid to be tethered in any public street or any public ground within the islands, districts, or towns as aforesaid, under a penalty of *ten shillings for each wilful violation of this enactment, and the burden of proof that the violation of this enactment was not wilful shall lie on the defendant.**

Stallions not to
be permitted to
run at large
under a penalty.

X. It shall not be lawful for any person or persons to suffer or permit any stallion to be at large in any public road, highway, or street, or any public parade or common within these islands under a penalty for every such offence of any sum not exceeding two pounds.

Duty of constables in respect to
horses or animals
found at large in
contravention of
this Act.

XI. That it shall be the duty of every constable to take up and impound any horse or other animal as aforesaid found at large in contravention of this Act, and any constable who shall refuse or neglect

* The words in italics repealed by 49 Vic. c. 3, *post*, No. 12 of this Class, and others substituted.

to take up and impound any horse or other animal which may be seen by him so at large, or which may be shown or made known to him by any person as being so at large as aforesaid, or in case of inability to catch any such horse or other animal, who shall neglect to report the circumstance to the police or acting magistrate of the island or district for which such constable shall be acting, or to some other justice thereof with the name of the owner or owners thereof, if known, shall forfeit and pay the sum of ten shillings for every such refusal or neglect. And it shall be lawful for any person, whether a constable or not, to take up and impound any horse or any other animal found at large as aforesaid in contravention of this Act, and every horse or other animal taken up and impounded under the authority of this Act shall be kept and detained in the pound in which it was originally placed, or in some other lawful pound, until the penalty payable in respect of its being so at large shall have been, together with all proper costs and charges, fully paid and liquidated, or the animal shall have been sold for the liquidation thereof or shall have been otherwise legally restored to its owner.

XII. And whereas horses and other animals as aforesaid may be found at large owing to the culpable negligence of servants having the charge thereof, without the cognisance of the owners of such horses and other animals, and it is expedient to make such servants responsible for their negligence: Be it enacted that whenever a horse or other animal as aforesaid shall have been impounded, or shall be reported as having been at large, and the owner thereof shall allege in his defence that such horse or other animal had been at large through the culpable negligence of a servant of the owner without the cognisance of such owner, it shall be lawful for the magistrate before whom a charge is made to hear evidence in respect thereof, and to determine on whom the liability for such horse or other animal being at large rests; and if he finds that the same rests on the servant, it shall be lawful for him to order and adjudge such servant to pay the penalty imposed by this Act, together with costs; and the same to levy by warrant under his hand and seal by the distress and sale of the servant's goods and chattels; and if no such goods and chattels shall be found whereon the monies so adjudged to be paid can be levied, it shall and may be lawful for such magistrate to commit the party to prison for any time not exceeding seven days, and in any such case the horse or other animal if impounded shall be immediately restored to the owner thereof without any charge other than any amount which may have been actually expended for food for such horse or other animal while impounded.

Culpable negligence of servants provided for in cases of horses found at large.

XIII. That if any horse or other animal shall be taken up and impounded under and by virtue of the provisions of this Act, and shall remain in the pound for forty-eight hours without being claimed, or having been claimed the owner shall have been adjudged liable for the penalty, and shall have neglected to pay the same with expenses as aforesaid, it shall be lawful for the police or acting magistrate of the district, or in the absence of such officer, or in case of the non-existence of such office, for any justice of the peace for the district, to order and direct the sale at public auction of such horse or other animal (as the case may be), giving notice in the most public manner for at least seven days of such intended sale, and the proceeds of such sale shall be applied in discharge of the penalties incurred in respect of such horse or other animal as aforesaid, together with the poundage fees and other expenses, and the surplus, if any, shall be paid into the Public Treasury of these islands, to be dealt with in the same manner as the proceeds of unclaimed cattle are hereinbefore directed to be dealt with.

Provision in case of cattle impounded.

XIV. That all damages sustained by the owner or the cultivator of any lands from the entry of cattle therein shall be recoverable in the

Damages sustained by owners of land from the

entry of cattle,
how recovered.

same and the like manner as damages sustained by other trespasses to land are now by law recoverable, and whenever any cattle shall enter on any inclosed land, whether under cultivation or not, without committing any particular damage for which the owner or owners of such land shall claim compensation, it shall nevertheless be lawful for such owner or occupier to recover, in manner aforesaid, stipulated damages from the owners of such cattle at and after the rate of two shillings for each head of cattle so trespassing; and if such cattle shall remain on the land of the party complaining more than twenty-four hours, then a further sum of one shilling per diem for each head of such cattle for each and every day during which such cattle shall remain on such land.

Unlawful for
occupiers of land,
within five miles
of any public
pound, to keep
stray cattle
penned or tied
up beyond
twenty-four
hours.

XV. That it shall not be lawful for any owner or occupier of any land lying within five miles of any public pound to keep penned or tied up on such land any cattle seized as strays, beyond four-and-twenty hours, under the penalty of forfeiting to the owner of such cattle one shilling for every hour which each head of such cattle shall be so kept beyond the said twenty-four hours; nor shall it be lawful for the owner or occupier of any land lying beyond the distance of five miles from any such pound as aforesaid to keep penned or tied up any cattle seized as strays for a longer period than twenty-four hours without giving the notice hereinbefore required to be given to a justice of the peace, under the penalty of forfeiting to the owner of such cattle one shilling for each and every hour which each head of such cattle shall be so kept as last aforesaid, beyond the said twenty-four hours: Provided always, that the periods in this clause mentioned, during which it shall be lawful to keep cattle seized as strays, penned or tied up, shall be computed clear and distinct from any Sunday which may intervene between the seizure of such strays and the giving the notice by this Act required to be given.

Proviso.

Fines and penal-
ties, how
recovered.

XVI. All fines and penalties shall, except when otherwise directed, be sued for and recovered before any one of Her Majesty's justices of the peace for these islands in the same and the like manner as other fines and penalties can be now sued for and recovered, and shall, when not otherwise directed, be paid one-half to the use of Her Majesty, her heirs and successors, and the other half to the informer or person suing for the same.

Persons tried for
anything done
under this Act
may plead the
general issue
and give this Act
in evidence.

XVII. Any person or persons sued for anything done in pursuance of this Act may plead the general issue, and give this Act and the special matter in evidence, and on verdict for defendant, non-suit of plaintiff, or discontinuance of action, shall be entitled to double costs.

Appeal from
summary con-
victions autho-
rised.

XVIII. In all cases of summary conviction or adjudication under this Act any person who shall think himself or herself aggrieved by any such conviction or adjudication may appeal to the General Court as provided in the Act of Assembly of the tenth year of Her Majesty's reign, chapter eleven.

Act, how to be
cited.

XIX. This Act may be cited for all purposes as "The Cattle Act, 1859."

Meaning of
certain terms.

XX. In the construction and for the purposes of this Act (if not inconsistent with the context or subject matter) the following terms shall have the respective meanings hereinafter assigned to them, that is to say: "Cattle" shall mean and comprise every description of animal mentioned in section nine; "Land" shall mean and comprise not only land used for any purpose whatever, but also allotments being parts or parcels of Salt Ponds; "Owner" shall mean the person having the occupancy or possession of any "land," or the charge or custody of any animal.

This Act, with
the exception of
the 6th, 9th,
11th, 12th, and
13th sections,

XXI. That this Act, with the exception of the sixth, ninth, eleventh, twelfth, and thirteenth sections, shall extend to the whole colony. The said sixth, ninth, eleventh, twelfth, and thirteenth sections shall extend

to the Island of New Providence, and the said ninth, eleventh, twelfth, and thirteenth sections shall extend to Harbour Island and Inagua; and shall also extend to and be in force in any town or district in any other island to which such sections may be specially extended by order of the Governor in Council: Provided, that no such order shall be made unless on a requisition therefor signed by a majority of the resident justices of the district, by not less than one-fourth of the registered electors of such town or district, and provided that no such Order in Council shall come into effect until thirty days after the publication thereof in the official newspaper of the colony.

extends to the whole colony, and certain of the above sections extend to Harbour Island, and to places where the Governor in Council may order.
Proviso.

XXII. Commencement and original duration.*

No. 7.

29 Vic. c. 19. *An Act to amend "The Cattle Act, 1859."* (Assented to 11th May, 1866.)

WHEREAS it is expedient to continue the provision heretofore made **PREAMBLE.**
for the punishment of persons defacing or altering the marks of cattle; May it, &c.:

I. That if any person shall erase, deface, obliterate, or in any way alter any brand or other mark on any cattle, or put any false mark thereon, with a fraudulent or malicious intent, every such offender shall, on conviction thereof before any justice of the peace, be liable, in the discretion of the convicting justice, to be fined in any sum not exceeding £20, and in default of payment to be imprisoned in any lawful prison, with or without hard labour, for any term not exceeding six months, and if any person so convicted shall afterwards be convicted, in manner aforesaid of a like offence, he shall be liable, on every such subsequent conviction to be imprisoned as aforesaid, with or without hard labour, for any term not less than six and not exceeding twelve months.

Penalty for altering or obliterating cattle marks.

II. The word "Cattle" as used in the Act shall comprise the several **Explanation of "cattle,"**
animals mentioned in the 9th section, 28 Vic. c. 37.*

No. 8.

34 Vic. c. 19. *An Act to amend "The Cattle Act, 1859," and for other purposes.* (Assented to 12th April, 1871.)

WHEREAS in and by the ninth and twelfth sections of "The Cattle Act, 1859," specific penalties are imposed for a violation of the said Act, without any power being vested in the magistrate, before whom a conviction shall take place, to mitigate and reduce the amount of such penalties according to the circumstances of the case, and it is expedient that such a power should be given. And whereas it is also expedient to amend the law to enable persons charged with a violation of the said Cattle Act, to give evidence on oath in their own behalf, and that the Act should be in other respects amended; May it, &c.

PREAMBLE.

I. That from and after the passing of this Act it shall be lawful for the magistrate before whom any conviction under the ninth or twelfth sections of "The Cattle Act, 1859," shall take place, to impose the full **Power of magistrate to impose a fine or mitigate penalty under Cattle Act.**

pecuniary penalty fixed by such sections, or to mitigate the amount thereof to such lesser sum as such magistrate may in his discretion, under the particular circumstances of each case, deem to be a proper amount of penalty for the offence committed, and the payment of every such mitigated penalty shall be enforced in the same and the like manner as the specific penalty for the same offence may be enforced.

Evidence.

II. Upon the hearing of any charge or complaint under the said "Cattle Act, 1859," the person or persons charged with a violation of any provision of said Act, or who may claim any cattle impounded, shall be competent to give evidence in his or their own behalf.

Penalty for attempting to release any animal seized for the purpose of impounding.

III. In case any person or persons shall release or attempt to release any horse, mare, or gelding, mule or ass, or any bull, cow, steer, heifer, or calf, or any goat, kid, sheep, lamb, hog, or pig, which shall be lawfully seized for the purpose of being impounded in consequence of having been found wandering, straying, or lying, or being depastured on any inclosed land without the consent of the owner or occupier of such inclosed land, from the pound or place where the same shall be so impounded, or on the way to or from any such pound or place, or shall pull down, damage, or destroy the same pound or place, or any part thereof, or any lock or bolt belonging thereto, or with which the same shall be fastened, every person so offending shall, upon conviction thereof before anyone of Her Majesty's justices of the peace, forfeit and pay any sum not exceeding £5, together with reasonable charges and expenses, or in default thereof be committed by such justice, by warrant under his hand and seal, to any lawful prison for any time not exceeding three calendar months, unless such sum of money and costs as aforesaid shall be sooner paid; and it shall be lawful for the said justice to award the whole or any portion of such penalty to the person or persons on whose behalf such cattle were distrained.

Proviso as to title of lands and maintaining proper fences.

IV. Provided always, that nothing in the preceding section contained shall authorise any justice of the peace to hear and determine any case of pound-breach or rescue in which any question shall arise as to the title to any lands, tenements, or hereditaments, or any interest therein accruing therefrom, or as to any bankruptcy or insolvency, or any execution under the process of any Court of Justice, or as to the obligation of maintaining, repairing, or keeping in repair any wall, hedge, paling, or fence whatsoever.*

No. 9.

39 Vic. c. 16. *An Act to repeal the Acts 25 Victoria, chapter 27, and 28 Victoria, chapter 17, and to make other provision for regulating the catching and disposal of Cattle depasturing on Crown Land known as the Prairies on the Island of Inagua.* (Assented to 2nd March, 1876.)

PREAMBLE.

WHEREAS the custom which exists at the Island of Inagua of depasturing cattle on the Crown Land, known as the Prairies, and the provisions of the above recited Acts for affording protection to the owners of such cattle have been found to cause disputes and to occasion much litigation in consequence of the increase in the number of unbranded Cattle, and it has been deemed expedient to repeal the above-recited Acts, and to make other provisions by Law for the disposal of the animals now on the said Prairies; May it, &c.

I. The Act 25 Victoria, chapter 27, and the Act 38 Victoria, chapter 17, shall be and the same are hereby repealed. Acts repealed.

II. That from and after the passing of this Act it shall not be lawful for the owner of any animal to depasture, or permit, or suffer the same to be depastured on the Crown Land at Inagua, except with the special permission of the Crown, and any person wilfully depasturing, or suffering any animal to be depastured contrary to the provisions of this Act, shall forfeit and pay a sum not exceeding Five Pounds, and the owner of the said animal shall be precluded from thereafter claiming or exercising any right or act of ownership over the said animal. The Governor's permission must be obtained before animals can be depastured on the Prairies.

III. That upon any such permission being granted as aforesaid it shall be lawful for the Crown to attach thereto any stipulations or conditions which it may see fit to do. Permission of the Crown.

IV. Repealed by 54 Vic. c. 5.

V. Nothing in this Act contained shall be construed to affect the right to or the ownership of any animal which may be depasturing on the said prairies. Rights reserved.

VI. Repealed by 54 Vic. c. 5.

VII. In case any of the fees heretofore made payable to Her Majesty, her heirs and successors, shall not be forthwith paid, it shall be lawful for the Resident Justice to order the immediate seizure of the animal in respect of which the same may be due, or the carcass thereof, and thereupon to cause the same to be sold at public auction, and after paying the reasonable expenses attendant upon such seizure and sale, and the fee due in respect of such animal out of the proceeds thereof, then to pay the residue over to the owner of the said animal or to the person catching or shooting the same, as the case may be.

VIII. That all fines, penalties, and forfeitures imposed under the authority of this Act may be sued for and recovered in a summary manner before the Resident Justice, or any two other Justices, and payment thereof enforced by law and sale of the offender's goods and chattels; and if no goods or chattels can be found whereon such fine as aforesaid can be levied, then and in such case it shall be lawful for such Justice or Justices to commit the offender to prison for any term not exceeding three months, there to be kept at hard labour as the said Justice or Justices shall so think fit.

IX. That this Act shall commence and take effect on the first day of June now next ensuing.

No. 10.

46 Vic. c. 8. *An Act to amend "The Cattle Act, 1859."* (Assented to 6th March, 1883.)

I. Where an Order in Council has been issued under the authority of the twenty-first section of "The Cattle Act, 1859," extending the ninth, eleventh, twelfth, and thirteenth sections of the said Act to any town or district of any island of the Colony, it shall be lawful at any time thereafter, upon a requisition signed by a majority of the Resident Justices, and of the registered electors of such town or district praying for a revocation of such order, for the Governor in Council, by Order in Council, to revoke the said Order in Council by which the said sections shall have been so extended. How Orders in Council issued under "Cattle Act, 1859," may be revoked.

II. Such last-mentioned Order shall be published in the official newspaper of the Colony, and shall take effect within the town or district named therein at the expiration of 30 days after such publication, when Publication of Order.

"Resident Justices" defined.

the said sections shall cease to apply and be in force in such town or district.

III. The words "Resident Justices" in this Act and "The Cattle Act, 1859" shall include and apply to Justices of the Peace whether salaried or otherwise.

No. 11.

48 and 49 Vic. c. 28. *An Act to facilitate the recovery of possession of Tenements after due determination of the tenancy.* (Assented to 3rd July, 1885.)

PREAMBLE.

When and where proceedings to recover possession of tenements (after notice to quit) shall commence.

WHEREAS it is expedient to provide for the more speedy and effectual recovery of the possession of premises unlawfully held over after the determination of the tenancy; May it, &c.

I. From and after the passing of this Act when the term or interest of the Tenant of any House, Land, or other Corporeal Hereditament held by him at will or for any term not exceeding one year, either without being liable to the payment of any rent, or at a rent not exceeding one pound a month, shall have ended or been duly determined by a legal notice to quit or otherwise, and such Tenant or (if such Tenant do not actually occupy the premises or only occupy a part thereof) any person by whom the same or any part thereof shall be then occupied, shall neglect or refuse to quit and deliver up possession of the Premises or of such part thereof respectively; it shall be lawful for the Landlord of the said Premises, or his Agent, to cause the person so neglecting or refusing to quit and deliver up possession to be served (in the manner hereinafter mentioned) with a written notice in the form set forth in the schedule to this Act, signed by the said Landlord, or his Agent, of his intention to proceed to recover possession under the authority and according to the mode prescribed in this Act, and if the Tenant or occupier shall not thereupon appear at the time and place appointed, and show to the satisfaction of the Justice hereinafter mentioned, reasonable cause why possession should not be given under the provisions of this Act, and shall still neglect or refuse to deliver up possession of the premises or of such part thereof of which he is then in possession to the said Landlord or his Agent, it shall be lawful for such Landlord or Agent to give to such Justice proof of the holding, and of the end or other determination of the Tenancy with the time or manner thereof, and when the title of the Landlord has accrued since the letting of the premises the right by which he claims the possession, and upon proof of service of the notice and of the neglect or refusal of the Tenant or occupier, as the case may be, it shall be lawful for the Justice acting for the Island or District within which the said premises shall be situate, to issue a Warrant under his hand and Seal to the Constables of the said Island or District commanding them within a period not less than seven days or more than fourteen days from the date of such Warrant, to enter (by force if needful) into the said premises and give possession of the same to such Landlord or Agent; *Provided always*, that entry upon any such Warrant shall not be made on a Sunday, Good Friday, or Christmas day, or at any time except between the hours of nine in the morning and four in the afternoon. *Provided also*, that nothing herein contained shall be deemed to protect any person on whose application and to whom any such Warrant shall be granted from any action which may be brought against him by any such Tenant or Occupier for or in respect of such entry and taking possession when such person had not at the time of granting the same lawful right to the possession of the same premises.

Proviso.

Proviso.

II. The notice of application intended to be made under this Act shall be served personally on the party so holding over. *Provided* that if the person so holding over cannot be found, the posting up of the said Notice on some conspicuous part of the premises held over shall be deemed to be good and sufficient service.

Service how made.
Proviso.

III. In every case in which the person to whom any such Warrant shall be granted had not at the time of granting the same lawful right to the possession of the premises, the obtaining of any such Warrant as aforesaid shall be deemed a Trespass by him against the Tenant or Occupier of the premises, although no entry shall be made by virtue of the Warrant, and in case any such Tenant or Occupier will become bound before the said Justice with two good and sufficient sureties in such sum as to the said Justice shall seem reasonable, regard being had to the value of the premises and to the probable costs of an Action, to sue the person to whom such Warrant was granted without delay, and to pay all the costs in such Action in case a verdict shall pass for the Defendant, or the Plaintiff shall discontinue or not prosecute his Action or become non-suit therein. Execution of the Warrant shall be delayed until Judgment shall have been given in such Action of trespass, and if upon the trial of such Action a Verdict shall pass for the Plaintiff, such Verdict and Judgment thereupon shall supersede the Warrant so granted, and the Plaintiff shall be entitled to double costs in the said Action.

Costs of action payable.

IV. If the Bond so taken be forfeited, or if upon the trial of the said Action of Trespass, the Judge before whom it shall be tried shall not indorse upon the Judgment that the condition of the Bond hath been fulfilled, the party to whom the Bond shall have been made may bring an Action and recover thereon. *Provided always*, that the Court, where such Action as last aforesaid shall be brought, may by a Rule of Court give such relief to the parties (upon such Bond as may be agreeable to Justice), and such rule shall have the nature and effect of a Defeasance to such Bond.

Bond, how recovered.

Proviso.

V. It shall not be lawful to bring any Action against the said Justices by whom such Warrant shall have been issued, or against any Constable by whom the Warrant may be executed, for issuing or executing the same respectively by reason that the person on whose application it shall be granted had no right to the possession of the Premises.

Who action may not be brought against.

VI. Where the Landlord, at the time of applying for such Warrant, had a right to the possession of the Premises or of the part thereof held over as aforesaid, neither he nor his Agent nor any other person acting in his behalf shall be deemed a Trespasser by reason merely of any irregularity or informality in the proceedings for obtaining possession under this Act.

Who not deemed a trespasser.

VII. In construing this Act the word Premises shall be taken to signify Lands, Houses, or other Corporeal Hereditaments, and the term Landlord shall be understood as meaning the Person entitled to the immediate reversion of the Premises, or if the property be held in Joint Tenancy. Coparcenary or Tenancy in Common, shall be understood as meaning any one of the Persons entitled to such Reversion, and that the word Agent shall be taken to mean any Person usually employed by the Landlord in letting the Premises, in collecting the rents thereof, or specially authorised to act in the particular matter by writing under the hand of such Landlord.

Defines certain words.

SCHEDULE.

Schedule.

FORM No. 1.

Notice of Owner's Intention to apply to Justices to recover Possession.

Form of notice.

I (Owner or Agent to the owner,
as the case may be) do hereby give you notice that unless peaceable

possession of the Tenement (shortly describing it) situate in
which was held of me or of the said (as the case may
be) under a Monthly Tenancy or (as the case may be) which was
determined by notice to quit in writing given on the day of
and which Tenement is now held over and detained
from the said be given to (Owner
or Agent) on or before the expiration of seven clear days from the
service of this Notice, I shall on
the day of at of the Clock
of the same day apply to one of Her Majesty's Justices of
the Peace for the of (being the Island or
District in which the Tenement is situate) to issue his Warrant directing the
Constables of the said (Island or District, as the case may be) to enter and
take possession of the said Tenement, and to eject any Person therefrom.
Dated this
To Mr. (Signed.)
(Owner or Agent.)

FORM No. 2.

Complaint.

Complaint before Justice.

The complaint of (Owner or Agent, as the case
may be) made before me one of Her Majesty's Justices
of the Peace for the of who saith that
the said did let to a Tenement for
under the rent of and that the said Tenancy was
determined by Notice to quit in writing given by the said
on the day of and that on the
day of the said did
serve on (the Tenant over-holding) a Notice in Writing
of his intention to apply to recover Possession of the said Tenement) a
Duplicate of which Notice is hereto annexed) by giving, &c. (describing
the mode in which the Service was effected) and that, notwithstanding
the said Notice, the said refused (or neglected) to
deliver up possession of the said Tenement and still detains the same.
(Signed.)

Taken the day of
Before me

(Signed.)

A duplicate of the Notice of Intention to apply must be annexed to
this Complaint.

FORM No. 3.

Warrant.

Warrant to Constables to take and give Possession.

BAHAMA ISLANDS.

To any lawful Constable of the of
Whereas (set for the Complaint) I, one Her Majesty's Justices of
the Peace, acting for the of
do authorise and command you on any day within
days from the date hereof (except on Sunday, Christmas Day, and Good
Friday to be added if necessary) between the hours of nine in the
morning and four in the afternoon, to enter (by force if needful) and
with or without the aid of the Owner or Agent (as the
case may be) or any other Person or Persons whom you may think
requisite to call to your assistance into and upon the said Tenement
and to eject thereout any Person, and of the said Tenement full and
peaceable Possession to deliver to the said

(Owner or Agent.)

Given under my hand and seal this
A.D. 18

day of

No. 12.

49 Vic. c. 3. *An Act further to amend "The Cattle Act, 1859."*
(Assented to 30th March, 1886.)

I. From and after the passing of this Act all of the words following the word "penalty" in the ninth section of "The Cattle Act, 1859," shall be omitted and are hereby repealed, and instead thereof the following words shall be inserted and read after the said word "penalty," in the said section, "for every such offence of any sum not exceeding ten shillings."*

Amends ninth
section of
"Cattle Act,
1859."

No. 13.

51 Vic. c. 10. *An Act to render Owners of Dogs liable for injuries to Cattle and Sheep.* (Assented to 12th April, 1888.)

I. The owner of every dog shall be liable in damages for injury done to any cattle or sheep by his dog; and it shall not be necessary for the party seeking such damages to show a previous mischievous propensity in such dog, or the owner's knowledge of such previous propensity, or that the injury was attributable to neglect on the part of such owner, such damages when the amount claimed shall not exceed twenty pounds, and where the action is brought in the Island of New Providence shall be recoverable in the Court of Common Pleas; but damages to an amount not exceeding twenty pounds may be recoverable in such cases at any of the other Islands of the Colony before one of the Stipendiary and Circuit Magistrates. When the amount of the damages claimed shall not exceed five pounds, the same shall be recoverable in a summary way before any Justice of the Peace.

Owners of dogs
liable for injuries
to cattle and
sheep.

II. The occupier of any house or Premises where any dog was kept or permitted to live or remain at the time of such injury, shall be deemed to be the owner of such dog, and shall be liable as such, unless the said occupier can prove that he was not the owner of such dog at the time the injury complained of was committed, and that such dog was kept or permitted to live or remain in the said house or premises without his sanction or knowledge.

Who deemed
owner.

Provided always, that where there are more occupiers than one in any house or premises let in separate apartments, or lodgings, or otherwise, the occupier of that particular part of the premises in which such dog shall have been kept or permitted to live or remain at the time of such injury shall be deemed to be the owner of such dog.

Proviso.

No. 14.

54 Vic. c. 5. *An Act to amend the Laws regulating the catching and disposal of Animals depasturing on Crown Land known as the Prairies on the Island of Inagua.* (Assented to 5th June, 1891.)

I. Sections IV. and VI. of the Act 39 Vic. c. 16, shall be and the same are hereby repealed.

II. If any person shall catch any animal which may be depasturing on the said Prairies other than an animal for the depasturing of which the special permission of the Crown may have been obtained, or if he

Catching and
shooting of
animals, both
with and with-

out owners
regulated.

shall shoot any such animal for the carcass or part of the carcass thereof, he shall pay to the Resident Justice for the use of Her Majesty, her heirs and successors, the sum of four shillings, and if there shall be no owner of such animal so caught or shot, then if the same shall be a mule he shall pay to the Resident Justice for the use of Her Majesty, her heirs and successors, the further sum of two pounds, or if the same shall be a bull, cow, ox, steer, or heifer, horse, or mare the sum of sixteen shillings, or if the same shall be an ass, sheep, pig, or goat, the sum of five shillings.

No charge made
for young
animals captured
together with
the mothers.

III. When foals or calves or the young of any animal under six months old are captured together with the mothers or dams, there shall be no charge made or fee payable to the Crown in respect of such foals, calves, or other young animals.

Licences to catch
or shoot animals
may be granted
by the resident
justice.

IV. It shall be the duty of the Resident Justice at the Island of Inagua, and he is hereby required upon application to him by any person whom he shall consider a discreet and proper person for the purpose, to grant to such person a licence permitting him to catch unbranded horses, mules, or asses, and to catch or shoot unbranded cattle depasturing on the said Crown lands, which licence shall continue in force for one year, and for which a fee of one pound shall be paid to the Resident Justice: *Provided always*, that it shall be discretionary with the said Resident Justice to issue annually only so many licences as to him may seem expedient.

Proviso.

Unlicensed
persons how
dealt with.

V. It shall not be lawful for any unlicensed person to shoot, catch, or injure any animal depasturing on the said Crown land under a penalty not exceeding ten pounds, and any animal so caught, or the carcass thereof, if the animal has been shot or otherwise killed, shall be forfeited: *Provided*, however, that nothing in this section shall be construed to impose any penalty upon the owner of any branded or marked animal, or upon persons by him authorised for shooting or catching such animal.

Proviso.

Penalty for
capturing
branded animals
without autho-
rity of owner.

VI. It shall not be lawful for any licensed person to shoot, catch, or destroy any branded or marked animal in the said Crown lands, except under authority or by direction of the owner thereof under a penalty not exceeding ten pounds for every wilful violation of this enactment.

Rules and regu-
lations to be
prepared under
this Act.

VII. The Resident Justice, with any other two Justices of the Peace selected for the purpose by the Governor, shall prepare rules and regulations for the guidance and government of persons licensed under this Act, and for regulating and governing the catching of animals and the setting and care of snares or traps, the sale of the carcasses of unbranded and unmarked animals, shot or otherwise killed, or of animals caught on the said prairies, and fixing penalties for the breach of any rule or regulation so to be made as aforesaid, and such rules and regulations when approved by the Governor in Council shall have the force and effect of law, and a copy thereof shall be posted in the office of the Resident Justice of the said island for the information of the public; and any penalties incurred under any of the said rules shall be recovered in the same and the like manner as penalties imposed by this Act may be recovered: *Provided, however*, that no penalty imposed under any of the said rules shall exceed ten pounds.

Proviso.

Defines certain
words.

VIII. The word "animal," as used in this Act, shall be construed to mean and apply to any horse, mare, mule, or ass, and to all cattle; and the word "cattle" shall be construed to mean and apply to any bull, cow, ox, steer, heifer, sheep, pig, goat, deer or fawn.

No. 15.

58 Vic. c. 26. *An Act to amend the Law relating to the Summary Punishment of Persons who by the careless use of fire burn and destroy the Woods and other property of Her Majesty and her subjects.* (Assented to 7th June, 1895.)

WHEREAS it is desirable that the law relating to the punishment of persons who by the careless use of fire cause injury, damage, or destruction to public or private property should be amended. May it, &c.
I. This Act may be cited for all purposes as "The Forest Fires Act, 1895." PREAMBLE.

II. The Act of Assembly, Sixth William the Fourth, chapter seven, shall be and the same is hereby repealed. *Provided* that such repeal shall not interfere with any prosecution which may at the passing of this Act be carried on thereunder, which said prosecution may be carried on as if this repeal had not been enacted. Repeals.
Proviso.

III. From and after the passing of this Act, any person or persons whomsoever who shall by the careless use of fire burn, destroy, injure, or damage any of the woods, trees, stacks of wood, timber, lumber, crops or plantations, whether standing or cut down, or any other property whatsoever of Her Majesty, or any of Her subjects, or any other person inhabitant within these Islands, shall, upon conviction before any one of her Majesty's Justices of the Peace, forfeit and pay a sum of money not exceeding £50, which sum shall, in the case of private property, be paid to the party aggrieved, and in the case of property of a public nature, or wherein any public right is concerned, such sum shall be paid into the Public Treasury in aid of the general revenue of the Colony, or subject to the disposal of the Crown, as the case may be, and if such sum of money, together with costs (if ordered) shall not be paid immediately after the conviction, or within such period as the Justice at the time of the conviction shall appoint, the Justice may commit the offender to prison for any period not exceeding twelve months, unless such sums and costs be sooner paid. Penalty for destroying property by the careless use of fire.

Penalty how disposed of.

Remedy in default of payment,

CLASS X.

MISCELLANEOUS ACTS RELATING TO REAL ESTATE.

No. 1.

40 Geo. 3, c. 2.

THIS Act declares in force, among other Imperial enactments, the statute 27 Henry 8, c. 10, commonly known as "The Statute of Uses," and the fourth section of the Act enacts: "That all deeds, conveyances, and settlements of land, tenements, and hereditaments, heretofore made within these islands, by lease and release, shall be good and valid, to all intents and purposes in the law whatsoever, as if 'The Statute for transferring Uses into Possession' had been declared to be in force at the time of the making of such deeds, conveyances, and settlements." Certain conveyances of real estate declared valid.

No. 2.

7 Vic. c. 15.

BY this Act the Imperial statute 3 & 4 Wm. 4, c. 106, entitled "For the Amendment of the Law of Inheritance," is declared in force in this Colony.

No. 3.

9 Vic. c. 9.

BY this Act the following Imperial statutes coming within this class are declared in force in the Colony, viz. :—
2 & 3 Wm. 4, c. 71. For shortening the time of prescription in certain cases.

3 & 4 Wm. 4, c. 27. For the limitation of actions and suits relating to real property, and for simplifying the remedies for trying the rights thereto.

7 Wm. 4 and 1 Vic. c. 28. To amend 3 & 4 Wm. 4, c. 27.

4 & 5 Vic. c. 21. For rendering a re-lease as effectual for the conveyance of freehold estates as a lease and re-lease by the same parties.

8 & 9 Vic. c. 106. To amend the law of real property.

And 8 & 9 Vic. c. 119. To facilitate the conveyance of real property.

No. 4.

25 Vic. c. 2. *An Act to amend the Laws of Real Property with reference to Entailed Estates.* (Assented to 7th March, 1862.)

PREAMBLE.

WHEREAS it is expedient further to assimilate the laws of the colony relating to real property to those of the mother country on the same subject; May it, &c.:

Power of tenant in tail to dispose of lands entailed.

I. That from and after the passing of this Act, every actual tenant, in tail, whether in possession, remainder, contingency, or otherwise, shall have the same and the like power to dispose of for an estate in fee simple, absolute, or for any less estate, the lands entailed, as any tenant in tail in England can, under the provisions of the Act of the Imperial Parliament of the third and fourth years of the reign of King William the Fourth, chapter seventy-four, now dispose of the lands of which he is tenant in tail, as aforesaid: Provided always, that instead of the enrolment in Chancery, as required by the said statute, every deed by which any disposition is made by a tenant in tail, except as by the said statute excepted, shall be recorded in the office of the Registrar of Records for the colony, within six months after the execution thereof.

Proviso as to the registry of the deed of disposition.

So much of Act General Assembly, 40 Geo. 3, c. 2, repealed as declares certain specified Acts of Parliament in force in the colony.

II. That so much of the Act of the General Assembly of these islands, passed in the fortieth year of the reign of his late Majesty King George the Third, chapter two, as declares the following Acts of Parliament to be in force in the colony, shall be and the same is hereby repealed, that is to say:

4 Hen. 7, c. 24; 11 Hen. 7, c. 20; 32 Hen. 8, c. 36; 1 Mary, sess. 2, c. 7; and 31 Eliz. c. 2.

No. 5.

36 Vic. c. 6. *An Act to declare the right of the Crown in respect of Actions relating to Real Estate.* (Assented to 29th January, 1873.)

WHEREAS in and by an Act of the General Assembly of the Bahama Islands, passed in the fortieth year of the reign of King George the Third, entitled an Act to declare how much of the laws of England are practicable within the Bahamas Islands, and ought to be in force within the same, it is amongst other things enacted that all and every the Acts and statutes, and parts of Acts and statutes of the Parliament of England, or of Great Britain, which relate to the prerogatives of the Crown, are, and of right ought to be of full force and virtue within this colony, as the same would be if the Bahama Islands were therein expressly named, or as if the aforesaid Acts and statutes had been made and enacted by the General Assembly of these islands; but doubts have arisen as to the application of such general enactments to the limitations of actions brought concerning lands, tenements, and other real estates:

PREAMBLE.

And whereas, by the law of England as it now exists, the period of sixty years is fixed as the limit beyond which no such actions, as aforesaid, can be commenced, and it is expedient that the same limit should be established in this colony; May it, &c.

I. The Queen's Majesty, her heirs or successors, shall not at any time hereafter sue, impeach, question, or implead any person or persons for, or in any wise concerning any lands, tenements, rents, or hereditaments whatsoever, or for, or in any wise concerning the revenues, issues or profits thereof, or make any title, claim, challenge, or demand of, in, or to the same, or any of them, by reason of any right or title which hath not first accrued and grown, or which shall not hereafter first accrue and grow within the space of sixty years next, before the filing, issuing, or commencing of every such action or other suit or proceeding, as shall, at any time or times hereafter, be filed, issued, or commenced for recovering the same or in respect thereof: Provided that nothing contained in this Act shall extend to any action or other suit or proceeding commenced before the passing of this Act, but every such action, or other suit, or proceeding shall be prosecuted and proceeded with as if this Act had not been passed.

Limitation of the Crown's right of action concerning lands, &c., to sixty years.

Proviso.

No. 6.

40 Vic. c. 2. *An Act to extend "The Imperial Real Property Limitation Act, 1874," to these Islands.* (Assented to 27th March, 1877.)

I. That the said "Imperial Real Property Limitation Act, 1874," shall extend to the Bahama Islands, and shall come into force at the same time and have the same effect as if the same had duly passed the Legislature of these Bahama Islands in the same words, and where reference is therein made to the statute made and passed in the third and fourth years of the reign of his late Majesty King William the Fourth, chapter 27, the same shall be construed to refer to the said Imperial Act as the same is in force in these islands as aforesaid.

No. 7.

47 Vic. c. 2. *An Act to amend "The Imperial Real Property Limitation Act, 1874," extended to these Islands by the Act of Assembly, 40 Victoria, chapter 2. (Assented to 8th April, 1884.)*

WHEREAS in and by the Act of Assembly, 40 Victoria, chapter 2, it was declared that "The Real Property Limitation Act, 1874," passed by the Imperial Parliament of Great Britain and Ireland in the thirty seventh and thirty-eighth years of Her present Majesty's reign, should extend to and come into force within these Islands at the same time and have the same effect as if the same had duly passed the Legislature of the said Islands :

AND WHEREAS by virtue thereof the said Imperial Act came into force within these Islands on the first day of January, 1879 :

AND WHEREAS it has been found that the period of time limited by such Act within which actions or suits for the recovery of land or rent and of charges thereon may be brought is unsuited to the circumstances and condition of this Colony, and it is desirable that the same should be extended to the period which was allowed by law prior to the coming into operation of the said "Real Property Limitation Act, 1874," due regard being had to any rights gained since the period during which the said Imperial Statute has been in force within these Islands ; May it, &c.

I. From and after the commencement of this Act so much of the said "Real Property Limitation Act, 1874," as declares that the time within which actions or suits may be brought for the recovery of land or rent and of charges thereon shall be limited to twelve years shall cease to have any force or effect within these Islands, and the period of time within which such actions or suits may be brought hereafter shall be twenty years.

II. That whenever in any of the sections of the said "Real Property Limitation Act, 1874," the word "twelve" occurs, the same shall be read as "twenty."

III. Provided, however, that no right of entry, distress, action, or suit which has already become barred by virtue of "The Real Property Limitation Act, 1874," as extended to these Islands by the said Act of Assembly, 40 Victoria, chapter 2, shall be revived by the passing of this Act.

No. 8.

53 Vic. c. 28. *An Act to amend the Law relating to Partition. (Assented to 16th May, 1890.)*

I. This Act may be cited as "The Partition Act, 1890."

II. In this Act the term "Court" means the General Court on its Equity side.

III. In a suit for partition, where, if this Act had not been passed, a decree for partition might have been made, then if it appears to the Court that by reason of the nature of the property to which the suit relates, or of the number of the parties interested or presumptively interested therein, or of the absence or disability of some of those parties, or of any other circumstance, a sale of the property and a distribution of the proceeds would be more beneficial for the parties interested than a division of the property between or among them the Court may if it thinks fit, on the request of any of the parties interested and notwithstanding the dissent or disability of any others of them direct a sale of the property accordingly, and may give all necessary or proper consequential directions.

Extends time of actions to recover land to 20 years.

"Twelve" to read "twenty."

Rights already barred shall not be revived.

Title of Act.

Defines the term "Court."

Power to Court to order sale instead of division.

IV. In a suit for partition where, if this Act had not been passed, a decree for partition might have been made, then if the party or parties interested individually or collectively, to the extent of one moiety or upwards in the property to which the suit relates request the Court to direct a sale of the property and a distribution of the proceeds instead of a division of the property between or among the parties interested, the Court shall, unless it sees good reason to the contrary, direct a sale of the property accordingly, and give all necessary or proper consequential directions.

Sale on application of certain proportion of parties interested.

V. In a suit for partition where, if this Act had not been passed, a decree for partition might have been made, then, if any party interested in the property to which the suit relates requests the Court to direct a sale of the property and a distribution of the proceeds instead of a division of the property between or among the parties interested, the Court may, if it thinks fit, unless the other parties interested in the property, or some of them, undertake to purchase the share of the party requesting a sale, direct a sale of the property and give all necessary or proper consequential directions; and in case of such undertaking being given the Court may order a valuation of the share of the party requesting a sale in such manner as the Court thinks fit, and may give all necessary or proper consequential directions.

As to purchase of share of party desiring sale.

VI. On any sale under this Act the Court may, if it thinks fit, allow any of the parties interested in the property to bid at the sale, on such terms as to nonpayment of deposit, or as to setting off or accounting for the purchase money or any part thereof instead of paying the same, or as to any other matters as to the Court seem reasonable.

Authority for parties interested to bid.

VII. Section thirty of the Act 13 and 14 Victoria, chapter 60, of the Imperial Parliament of Great Britain and Ireland, declared in force within the Bahama Islands by Act of Assembly, 17 Victoria, chapter 24, and hereinafter cited and referred to as "The Trustee Act, 1850," shall extend and apply to cases where in suits for partition the Court directs a sale instead of a division of the property.

Application of "Trustee Act, 1850."

VIII. Any person who, if this Act had not been passed, might have maintained a suit for partition may maintain such suit against any one or more of the parties interested, without serving the other or others (if any) of those parties; and it shall not be competent to any defendant in the suit to object for want of parties, and at the hearing of the cause the Court may direct such inquiries as to the nature of the property and the persons interested therein, and other matters, as it thinks necessary or proper, with a view to an order for partition or sale being made on further consideration; but all persons who, if this Act had not been passed, would have been necessary parties to the suit shall be served with notice of the decree or order on the hearing, and after such notice shall be bound by the proceedings as if they had been originally parties to the suit, and shall be deemed parties to the suit, and all such persons may have liberty to attend the proceedings, and any such person may, within a time limited by general orders, apply to the Court to add to the decree or order.

Parties to partition suits.

IX. Where in a suit for partition it appears to the Court that notice of the decree or order on the hearing of the cause cannot be served on all the persons on whom that notice is by the immediately preceding section required to be served, or cannot be so served without expense disproportionate to the value of the property to which the suit relates, the Court may, if it thinks fit, on the request of any of the parties interested in the property, and notwithstanding the dissent or disability of any others of them, by order, dispense with that service on any person or class of persons specified in the order, and instead thereof, may direct advertisements to be published at such times and in such manner as the court shall think fit, calling upon all persons claiming to be interested

Power to dispense with service of notice of decree or order in special cases.

in such property who have not been so served to come in and establish their respective claims in respect thereof before the Judge in Chambers within a time to be thereby limited. After the expiration of the time so limited all persons who shall not have so come in and established such claims, whether they are within or without the jurisdiction of the Court (including persons under any disability), shall be bound by the proceedings in the suit as if on the day of the date of the order dispensing with service they had been served with notice of the decree or order service whereof is dispensed with, and thereupon the powers of the Court under "The Trustee Act, 1850," shall extend to their interests in the property to which the suit relates as if they had been parties to the suit, and the Court may thereupon, if it shall think fit, direct a sale of the property and give all necessary or proper consequential directions.

Proceedings
where service
is dispensed
with.

X. Where an order is made under this Act dispensing with service of notice on any person or class of persons, and property is sold by order of the Court, the following provisions shall have effect:—

- 1st. The proceeds of sale shall be paid into Court to abide the further order of the Court.
- 2nd. The Court shall, by order, fix a time at the expiration of which the proceeds will be distributed, and may from time to time by further order extend that time.
- 3rd. The Court shall direct such notices to be given by advertisements or otherwise, as it thinks best adapted, for notifying to any persons on whom service is dispensed with, who may not have previously come in and established their claims, the fact of the sale, the time of the intended distribution, and the time within which a claim to participate in the proceeds must be made.
- 4th. If at the expiration of the time so fixed or extended the interests of all the persons interested have been ascertained, the Court shall distribute the proceeds in accordance with the rights of those persons.
- 5th. If at the expiration of the time so fixed or extended the interests of all the persons interested have not been ascertained, and it appears to the Court that they cannot be ascertained, or cannot be ascertained without expense disproportionate to the value of the property or of the unascertained interests, the Court shall distribute the proceeds in such manner as appears to the Court to be most in accordance with the rights of the persons whose claims to participate in the proceeds have been established, whether all those persons are or are not before the Court, and with such reservations (if any) as to the Court may seem fit in favour of any other persons (whether ascertained or not) who may appear from the evidence before the Court to have any *prima facie* rights which ought to be so provided for, although such rights may not have been fully established, but to the exclusion of all other persons; and thereupon all such other persons shall by virtue of this Act be excluded from participation in those proceeds on the distribution thereof; but notwithstanding the distribution any excluded person may recover from any participating person any portion received by him of the share of the excluded person.

Provision for
case of successive
sales in same
suit.

XI. Where in a suit for partition two or more sales are made, if any person who has by virtue of this Act been excluded from participation in the proceeds of any of those sales establishes his claim to participate in the proceeds of a subsequent sale, the shares of the other persons interested in the proceeds of the subsequent sale shall abate to the extent (if any) to which they were increased by the non-participation of the

excluded person in the proceeds of the previous sale, and shall to that extent be applied in or towards payment to that person of the share to which he would have been entitled in the proceeds of the previous sale if his claim thereto had been established in due time.

XII. In a suit for partition a request for sale may be made or an undertaking to purchase given on the part of a married woman, infant, person of unsound mind, or person under any other disability, by the next friend, guardian, committee in lunacy (if so authorised by order in lunacy), or other person so authorised to act on behalf of the person under such disability, but the Court shall not be bound to comply with any such request or undertaking on the part of an infant unless it appear that the sale or purchase will be for his benefit.

Request by married woman, infant, or person under disability.

XIII. For the purposes of this Act a suit for partition shall include an action for sale and distribution of the proceeds, and in a suit for partition it shall be sufficient to claim a sale and distribution of the proceeds, and it shall not be necessary to claim a partition.

Suit for partition to include action for sale and distribution of the proceeds.

XIV. In a suit for partition the Court may make such order as it thinks just respecting costs up to the time of the hearing.

Costs in partition suits.

No. 9.

59 Vic. c. 14. *An Act to provide for the more beneficial use of Lands held in common.* (Assented to 30th April, 1896.)

WHEREAS large tracts of land are held in common by residents in various towns and settlements of the colony: And whereas it is expedient to make provision for the more beneficial use of such lands; May it, &c.

PREAMBLE.

I. This Act may be cited for all purposes as "The Commoners Act, 1896."

Title of Act.

II. In this Act—

The term "lands held in common" means and includes any lands which have been granted to more than twenty people and not partitioned.

Defines certain terms.

The term "Commoner" means any person who is registered as a Commoner in or over any such lands under this Act.

The term "Resident Justice" includes Assistant Resident Justice.

The term "regulation" means any regulation made under this Act.

III. A Register of Commoners shall be formed and kept in each town or settlement in which any land is held in common. Such Register shall be formed in the first instance by the Resident Justice of the District in accordance with such regulations as may be made and issued to him on the subject by the Governor in Council, which regulations the Governor in Council is hereby empowered to make and issue. Every person residing at the settlement adjacent to any lands held in common who is in actual occupation of any portion of the land so held in common at the time when this Act comes into operation shall be entitled to be registered as a Commoner in such land.

Register of Commoners to be formed. Regulations to be made by Governor in Council.

Who entitled to be registered as a Commoner.

IV. The Register formed under the preceding Section shall be deemed the Register of Commoners of the land in such settlement for the purposes of this Act.

What deemed Register of Commoners.

V. At any time after the formation of such Register every person, whether male or female above the age of twenty-one years, who may claim to have the right to be registered as a Commoner in such Register, may, subject to the provisions of this Act, apply to the Resident Justice to be registered in such Register as a Commoner.

After formation of Register any person claiming to have the right to be registered as a Commoner may apply to Resident Justice.

Application, how dealt with.

Commoner may oppose an application.

Right of appeal.

Renewal of application.

Meetings of Commoners.

Resident Justice to hold and preside at first meeting.

Chairman of meetings.

Annual meeting of Commoners.

Election of chairman and office-bearers.

Meetings of Commoners.

Twenty-four hours' notice of meeting to be given.

Non-registered persons have no interest.

Commoners may make, alter, or revoke regulations for certain purposes.

Proviso.

Regulations to be published in the Official Gazette.

Evidence in Courts of Law.

VI. Where any person applies to the Resident Justice to be registered as a Commoner, the Resident Justice shall consider the application and may take evidence thereon. Any Commoner may oppose any such application. If the Resident Justice is satisfied that the applicant has the right to be registered as a Commoner in such lands, he shall cause the name of the applicant to be registered as such, and if not so satisfied he shall reject such application.

Any person aggrieved by the decision of the Resident Justice shall have the right of appeal to a Stipendiary and Circuit Magistrate.

An application to be registered as a Commoner may be repeated after an interval of one year.

VII. The Commoners may hold Meetings, and all questions arising for decision at such Meetings shall be decided by the majority of the Commoners present at such Meeting, provided that no resolution at any Meeting shall be of any force unless there are ten Commoners present at such Meeting.

VIII. The Resident Justice shall hold the first Meeting under this Act on the first Monday in July next, and shall preside at such Meeting.

The Commoners at such first Meeting shall nominate one of the Commoners to be the Chairman of Meetings until the next annual Meeting.

IX. There shall be an annual Meeting of Commoners of any lands held in common once in each year on the first Monday in the month of December in each year. At the annual Meeting the Commoners shall elect a Chairman for the ensuing year, and such office-bearers as may be necessary. In default of their doing so, the Resident Justice may nominate the Chairman and office-bearers.

X. Meetings of Commoners may be summoned at any time by the Resident Justice, or by the Chairman, or by five or more Commoners. Public notice of any such Meeting shall be given twenty-four hours before such Meeting by a crier in the streets of the settlement nearest to such lands.

XI. No person who is not registered as a Commoner shall be deemed to have any interest in the lands which are held in common.

XII. The Commoners in any tract of land held in common may make, and when made alter or revoke regulations for any or all of the following purposes, that is to say :—

- (1.) For the proper laying out of such lands.
- (2.) For securing the fair use of such lands by the Commoners amongst themselves.
- (3.) For securing and maintaining a fresh water supply, and the fair use and distribution of any fresh water supply which can be obtained.
- (4.) For preventing the Commoners injuring or taking the produce grown by other Commoners.
- (5.) And generally for securing the full and beneficial use of such lands for the Commoners, and for protecting the industry of the Commoners against trespassers and all persons improperly damaging any such land or the produce grown thereon.

Provided that all such regulations before coming into operation shall be laid before the Governor in Council for approval, and the Governor in Council may alter or amend the same.

XIII. Every regulation when so approved or settled by the Governor in Council as aforesaid shall be published in the Official Gazette, and shall have the same effect as if expressed in this Act.

The production of a copy of the Official Gazette purporting to contain the publication of any such regulation shall be evidence in all Courts that the regulation has been rightly made and is in force, unless it can be shown that it has been revoked.

XIV. Every person who does not comply with the requirements of any regulation shall be liable to a penalty not exceeding Five Pounds, and every such penalty may be recovered at the instance of any Commoner or any Constable under the provisions of the Summary Jurisdiction Acts.

Penalty and recovery.

XV. In any proceedings against a person for offending against the provisions of any regulation under this Act, no question of title to lands shall be deemed to be raised, and the Resident Justice shall have full power to try and determine the issue in all such proceedings.

No question of title to lands shall be deemed to be raised by offending person.

XVI. Any person occupying any of the lands held in common who is not registered as a Commoner shall be deemed to be a wilful trespasser, and may on the application of any Commoner be ejected by order of the Resident Justice, who is hereby authorised and empowered to issue his warrant of ejectment, and cause such person to be forthwith ejected.

Who deemed wilful trespassers.

XVII. Any person ejected by warrant of the Resident Justice under the authority of the immediately preceding section who afterwards enters upon the land from which he has been ejected shall be deemed to have committed an offence punishable summarily, and on conviction shall be liable to imprisonment with hard labour for any period not exceeding three months.

Subsequent offences, how dealt with.

CLASS XI.

LAWS RELATING TO PATENTS.

No. 1.

52 Vic. c. 23. *An Act relating to the Law of Patents.* (Assented to 23rd May, 1889.)

I. This Act may be cited for all purposes as "The Patent Act, 1889." Title.

II. Repealed by 53 Vic. c. 2.

III. Every person who files, or causes to be filed, in the Registrar of Records' office a specification of an invention shall pay to the Registrar of Records for the benefit of the general revenue a fee of three pounds.

Fee.

IV. and V. Repealed by 53 Vic. c. 2.

VI. Every person having complied with the preceding sections, and having obtained Letters Patent hereunder, his executors, administrators, and assigns, and every of them by himself and themselves, or by his and their deputy or deputies, servants or agents, or such others as he, his executors, administrators, and assigns shall at any time agree with, and no others from time to time, and at all times during the term of seven years from the date of the filing of the specification as aforesaid shall and lawfully may make use, exercise, and vend within these islands the invention described in the specification so filed as aforesaid in such manner as to him, his executors, administrators, and assigns, or any of them, shall, in his or their discretion, seem meet, and he, his executors, administrators, and assigns shall and lawfully may have and enjoy the whole profit, benefit, commodity, and advantage from time to time coming, growing, accruing, and arising by reason of the said invention for and during the term of years hereinbefore mentioned.

Any person obtaining Letters Patent may make, use, exercise and vend invention described in specification for space of seven years.

VII. It shall not be lawful for any person or persons, body or bodies, politic or corporate, or any of them at any time during the continuance of the term hereinbefore mentioned, either directly or indirectly, to make use or put in practice the invention described in any specification so filed

Unlawful to counterfeit, imitate or resemble invention.

Remedy against any person who makes, uses, exercises, puts in practice or vends invention without consent of grantee.

Privileges under this Act not conferred on any person not being true and first inventor.

Privilege not given to use or imitate any invention or work previously found out and invented and publicly used.

as aforesaid, or any part of the same, or in anywise counterfeit, imitate or resemble the same, or to make or cause to be made any addition thereto or subtraction from the same, whereby to pretend himself or themselves the inventor or inventors thereof without the consent, permission, licence, or agreement of the person who filed the specification thereof, his executors, administrators or assigns in writing under his or their hand or hands and seal or seals first had and obtained in that behalf.

VIII. If any person or persons whomsoever, body or bodies politic or corporate, shall, during the continuance of the term hereinbefore mentioned, at any time either directly or indirectly make, use, exercise, put in practice or vend the invention described in any specification so filed as aforesaid, or any part thereof, within these islands without a consent, permission, licence, or agreement in writing first had and obtained from the person who filed the specification thereof, his attorneys, executors, administrators or assigns under his or their hand or hands and seal or seals, the person who filed the specification thereof, his executors, administrators and assigns shall have and be entitled to such and the like remedies both at law and in equity in the courts of these islands against every such person or persons, body or bodies politic or corporate, for every such infringement or violation of the rights and privileges to which he and they is and are under this Act entitled, or against the person or persons for whose benefit the said invention or any part thereof shall have been so made, used, exercised, put in practice or vended without such consent, permission, licence, or agreement as aforesaid, as the grantee of any letters patent for any invention, would be entitled to in the like case by the law of England, but to none other remedies; and in any action, suit, or other proceeding which may be brought, instituted or taken against any such person or persons, body or bodies politic or corporate, it shall be lawful for the defendant to plead any such matter in defence as may be pleaded by any defendant in any action brought in any division of Her Majesty's High Court of Justice in England, for the infringement of any patent granted by Her Most Gracious Majesty the Queen.

IX. Nothing in this Act contained shall be deemed to confer on any person who files in the office of Registrar of Records a complete specification of an invention, the exclusive privileges mentioned in sections six, seven, and eight of this Act, if the invention described in such specification is not at the time, when such specification is filed, a new invention as to the public use and exercise thereof within these islands, or if such person is not the true and first inventor within these islands of the invention described in such specification, or if such invention was at the time when such specification was filed an invention well known elsewhere, and also known to some person or persons in these islands other than the person filing such specification.

X. Nothing in this Act contained shall extend or be construed to extend to give to any person who files in the office of Registrar of Records a complete specification of an invention, or to his executors, administrators or assigns, or any of them privilege to use or imitate any invention or work whatever which has, prior to the filing of such specification, been found out or invented by any other person whoseever, and publicly used or exercised within these islands, and for the sole use, exercise and benefit whereof within these Islands, the exclusive privileges mentioned in sections six, seven, and eight of this Act, or similar privileges have, prior to the filing of such specifications, been obtained; but the person filing such specification, his executors, administrators and assigns, and all and every other person and persons who have as aforesaid previously obtained like privileges, shall distinctly use and practise their several inventions by them invented and found out.

XI. Repealed by 53 Vic. c. 2.

XII. All specifications filed under this Act in the office of the Registrar of Records shall be numbered in that office consecutively from number one upwards in the order of the dates on which they are filed.

Specifications
filed to be
numbered.

XIII. Every patent for an invention whensoever issued shall be assignable in law either as to the whole interest or as to any part thereof by any instrument in writing; but such assignment, and also every grant and conveyance of any exclusive right to make and use the invention patented within and throughout the colony or any part thereof, shall be registered in the office of the Registrar of Records in the same manner as deeds and other papers are now recorded therein; and every assignment affecting a patent for invention shall be deemed null and void against any subsequent assignee, unless such instrument is registered as hereinbefore prescribed, before the registering of the instrument under which such subsequent assignee may claim.

Patents assign-
able.

Assignments to
be registered in
office of Regis-
trar of Records.

XIV. Whenever a specification is filed under this Act, and letters patent have been granted in connection therewith, the Registrar of Records shall cause to be inserted in the newspaper in the Colony in which Government Notices are published, a notice to the following effect:—

Notice of letters
patent granted
to be published
in official news-
paper.

OFFICE OF REGISTRAR OF RECORDS,

Nassau,

18 .

A specification having been filed in this office under "The Patent Act, 1889," by (name of inventor) for (state nature of invention), Letters Patent have been granted to the said (name of inventor) in accordance with the provisions of "The Patent Act, 1889."

Form of notice.

A. B.,

Registrar of Records.

XV. Every person who at any time after the passing of the Act is in respect of any invention entitled under this Act to the exclusive privileges mentioned herein, or to similar privileges, may on or before, but not after, the expiration of such privileges, obtain a renewal thereof upon application to the Governor in Council for a second or further period of seven years, and may on or before, but not after the expiration of such further period, again obtain a renewal thereof upon application as aforesaid for a third period of seven years; provided always, that no person shall enjoy the exclusive privileges mentioned in this Act, or similar privileges, for more than twenty-one years.

Renewal of
privileges.

XVI. Every person who obtains a renewal of the exclusive privileges to which he is in respect of any invention entitled for a second or further period of seven years, shall pay to the Registrar of Records for the benefit of the general revenue, the sum of ten pounds, and shall thereupon become entitled to such exclusive privileges during such second or further period; and every person who obtains a renewal of such exclusive privileges for a third period of seven years, shall pay to the Registrar of Records for the benefit of the general revenue the sum of twenty pounds, and shall thereupon become entitled to such exclusive privileges during such third period.

Proviso.

Fees payable on
renewal of
privileges.

XVII. The Registrar of Records shall, on receipt of any fee under the last preceding section of this Act, fill up and give to the person by or on whose behalf the same is paid a certificate having on it the number of the specification of the invention to which it relates and of the following form:

Certificate of
renewal.

SPECIFICATION, No.

I hereby certify that the exclusive privileges enjoyed by
in respect to the invention described in the specification
above referred to, have been this day renewed for a period of seven years.

Form.

Dated this

day of

A.D., 18 .

(Signed)

Registrar of Records, Bahamas.

Copy to be published.

And the Registrar of Records shall cause a copy of the same to be published three times in the Newspaper of the colony in which the Government Notices are published.

Copies of specifications open to inspection.

XVIII. The Registrar of Records shall cause true copies of all specifications filed under or in pursuance of this Act, to be open to the inspection of the public at the office of the Registrar of Records during office hours, subject to such regulations as the Registrar of Records may direct.

Letters patent, &c., to be recorded in a book.

XIX. There shall be kept at the office of the Registrar of Records a book or books to be called the Register of Patents, wherein shall be entered and recorded in chronological order all letters patent granted under this Act, the deposit or filing of specifications filed in respect of such letters patent, all amendments in such letters patent and specifications, all confirmations and extensions of such letters patent, the expiry, vacating, or cancelling of such letters patent, with the date thereof respectively, and all other matters and things affecting the validity of such letters patent, and such register shall be open at all convenient times to the inspection of the public during office hours.

Fee for making a search.

XX. Parties making searches for inspection under the two last preceding clauses shall be liable for the fee now chargeable by law for searches made in the office of Registrar of Records.

Register of proprietors to be kept.

XXI. There shall be kept at the office of Registrar of Records a book or books entitled the Register of Proprietors, wherein shall be entered in such manner as the Registrar of Records shall direct the granting of any letters patent, the assignment of any letters patent, or of any share or interest therein, and any licence under letters patent, with the name or names of any person or persons having any share or interest in such letters patent or licence, the date of his or their acquiring such letters patent, share, and interest, and any other matter or thing relating to or affecting the proprietorship in such letters patent or licence; and a copy of any entry in such book, certified under the hand of the Registrar of Records, shall be given to any person requiring the same on payment of the fee of ten shillings, and such copies so certified shall be received in evidence in all courts and in all proceedings, and shall be *prima facie* proof of the assignment of such letters patent, or share and interest therein, or of the licence or proprietorship as therein expressed: *Provided always*, that until such entry shall have been made, the grantee or grantees of the letters patent shall be deemed and taken to be the sole and exclusive proprietor or proprietors of such letters patent of all the licences and privileges thereby given and granted; and any writ of *scire facias* to repeal such letters patent may be issued to the Provost Marshal in case of the grantee or grantees residing in this colony, and in case such grantee or grantees do not reside in the colony it shall be sufficient to file such writ in the office of the Prothonotary of the General Court and serve notice in writing thereof at the last known residence or place of business of such grantee or grantees; and such register or a copy shall be open to the inspection of the public at the office of the Registrar of Records during office hours.

Copies of entries obtainable and to be received in evidence in all courts.

Proviso.

XXII. Repealed by Repealing Act, 1899.

Meaning of certain words and expressions.

XXIII. In the construction of this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such constructions:—

The word “invention” shall be deemed to include any art, process, or manner of producing, preparing, or making an article, and also any article prepared or produced by manufacture and any improvement thereon. The word “inventor” shall include the importer of an invention not publicly known or used in these Islands, and shall also include the heirs, executors, administrators or assigns of an inventor as the case may be.

The word "assigns" shall include grantees of the sole use or benefit in these islands of an invention or of the sole use of an exclusive privilege for a limited time.

The words "Registrar of Records" shall include any person who shall be appointed to act as Registrar of Records during any vacancy in the office.

PETITION.

Petition.

To His Excellency the Governor of the Bahama Islands in Council.

The humble petition of (here insert name, address, and occupation of Petitioner) sheweth:

That your Petitioner is in possession of an invention for (insert the title of the invention) which invention he believes will be of great public utility; that he is the true and first inventor thereof, and that the same is not in use by any other person or persons to the best of his knowledge and belief.

Your Petitioner therefore humbly prays that your Excellency will be pleased, in the name and on behalf of Her Majesty the Queen, to grant unto him, his executors, administrators and assigns, Her Majesty's Letters Patent for these Islands for the term of seven years pursuant to the Act of Assembly in that case made and provided.

DECLARATION.

Declaration.

I (insert name, full address, and occupation of applicant) do solemnly and sincerely declare that I am in possession of an invention for (insert title as in petition) which invention I believe will be of great public utility; that I am the true and first inventor thereof; and that the same is not in use by any other person or persons to the best of my knowledge and belief, and that the instrument in writing under my hand and seal hereunto annexed, particularly describes and ascertains the nature of the said invention and the manner in which the same is to be performed, and I make this declaration conscientiously believing the same to be true.

(Signature of Applicant)

Declared to before me,
this day of 18 .

(Signature and title of the person before whom the declaration is made.)

No. 2.

53 Vic. c. 2. *An Act to amend "The Patent Act, 1889."* (Assented to 3rd March, 1890.)

WHEREAS it is expedient to amend "The Patent Act, 1899"; **PREAMBLE.**
May it, &c.

I. Every person who desires to obtain in these Islands such exclusive privileges in respect to any *inventions as are hereinafter in this Act mentioned** shall file or cause to be filed by an Attorney appointed for the purpose in the office of the Registrar of Records, in the City of Nassau, a complete specification of the invention, particularly describing and ascertaining the nature of the invention, and in what manner the same is to be performed, and shall within ten days thereafter present a petition to the Governor in Council accompanied by a copy of such

Persons desiring to obtain Letters Patent must file a specification of invention.

* The words in italics are repealed and others substituted by 58 Vic. c. 9, *post*, No. 4 of this Class.

specification, and a declaration according to the *form to this Act** annexed, praying for a grant of Letters Patent in connection with his invention. Provided, that in the case of persons residing abroad who desire to obtain the benefits of this Act there shall be filed with the specification required by this Section a copy certified and stamped of any specification of Letters Patent, which may have been issued to and obtained by any such person with respect to the invention of which the specification is filed.

Repeal.

II. Section four of the principal Act is hereby repealed.

Publication of filing of specification.

III. Whenever a complete specification has been filed under section *two of the principal*† Act, the Registrar of Records shall immediately issue and deliver for publication in the newspaper in which Government Notices are published a notice to the following effect:—

OFFICE OF REGISTRAR OF RECORDS,

Nassau, 18 .

A specification has this day been filed in this office under "The Patent Act, 1889," by (name of inventor) for (state name of invention).

A. B.,
Registrar of Records.

Notice of opposition to the grant of the patent may be given within two months at the office of the Registrar of Records.

IV. (1.) Any person may at any time within two months from the date of the advertisement of the filing of the complete specification give notice in writing at the Office of the Registrar of Records to the Registrar of opposition to the grant of the patent on the ground of the applicant having obtained the invention from him, or from a person of whom he is the legal representative, or on the ground that the invention has been patented in this Colony on an application of prior date, or on the ground that the specification comprises the same invention as is comprised in a specification bearing the same or a similar title and accompanying a previous application, but on no other ground.

Notice of opposition to be given to the Clerk of Executive Council.

(2.) Where such notice is given the Registrar of Records shall give notice of the opposition to the applicant and to the Clerk of the Executive Council.‡

Governor shall direct an examination and enquiry into the application and opposition thereto.

(3.) When such notice shall have been given, the Governor shall direct an examination and enquiry into the application and opposition thereto before such person or persons, and in such manner as he may think fit, with a report as to whether the grant ought or ought not to be made.

When Governor shall direct the issue of Letters Patent.

V. If there is no opposition, or in case of opposition, if the report made under the third sub-section of the immediately preceding section is in favour of the grant of a Patent, it shall be lawful for the Governor, acting with the advice of the Executive Council, to direct the issue of Letters Patent to the said applicant which shall extend to the whole Colony.

Repeals.

VI. The fifth and eleventh sections of the principal Act are hereby repealed.

Under certain circumstances the Governor acting with the advice of the Executive Council may direct patentee to grant licences.

VII. If on the petition of any person interested it is proved to the satisfaction of the Governor in Council that by reason of the default of a patentee to grant licences on reasonable terms—

- (a) the patent is not being worked in the Colony, or
- (b) the reasonable requirements of the public with respect to the invention cannot be supplied, or

* The words "forms in the Schedule to the principal Act" are substituted for those in italics by 54 Vic. c. 12, *post*, No. 3 of this Class.

† The words "one of this" are substituted for those in italics by 54 Vic. c. 12.

‡ By the 54 Vic. c. 12, the words "or his attorney" are added to this sub-section after the word "applicant."

(c) any person is prevented from working or using to the best advantage an invention of which he is possessed, the Governor, acting with the advice of the Executive Council, may direct the patentee to grant licences on such terms as to the amount of royalties, security for payment, or otherwise, as the Governor in Council, having regard to the nature of the invention and the circumstances of the case, may deem just, and the refusal to obey such order shall be considered sufficient cause for the revocation of the grant of Letters Patent.

VIII. A publication in the newspaper in which Government Notices are published of the order issued under the preceding section shall be sufficient notice to a patentee, and if at the expiration of six months from the date of the publication of such order, it shall be shown to the satisfaction of the Governor in Council that such order has not been obeyed, it shall be lawful for the Governor, acting with the advice of the Council, to issue an order revoking the grant of Letters Patent, and thereupon the said grant shall be revoked and of no effect, and the rights granted thereunder shall be forfeited and shall cease to exist.

Publication of the order issued shall be sufficient notice to a patentee.

Penalty for disobeying order.

IX. The second section of the principal Act shall be and the same is hereby repealed. Repeals.

X. Nothing herein contained shall affect the validity of any Letters Patent granted under the principal Act, which said Letters Patent shall, however, be subject to the provisions of this Act.

Validity of Letters Patent granted under principal Act.

No. 3.

54 Vic. c. 12. *An Act further to amend the Patent Laws of the Colony.* (Assented to 5th June, 1891.)

I. In reading hereafter section one of the Act of Assembly, 53 Victoria, Chapter 2, the words "form to this Act" in the ninth line of the said section shall be omitted, and in lieu thereof the words "forms in the Schedule to the principal Act" shall be inserted and read; in like manner the words "two of the principal" in the second line of the third section of the said Act shall be omitted, and in lieu thereof the words "one of this" shall be inserted and read; and in like manner after the word "applicant," in the second line of sub-section two of section four of the said Act the words "or his attorney" shall be inserted and read.

Amends.

II. Where the nature of the case admits of drawings, the applicant for Letters Patent shall furnish with the specification required by section one of the Act 53 Victoria, Chapter 2, to be filed a copy of such drawings which shall also be filed with the said specification.

Drawings to be filed with specification, where possible.

No. 4.

58 Vic. c. 9. *An Act further to amend the Patent Laws of the Colony.* (Assented to 26th April, 1895.)

I. Where the words "principal Act" are used in any Act passed in amendment of the Laws relating to Patents since the passing of "The Patent Act, 1889," and in this Act, they shall be held and construed to refer to and mean the said "Patent Act, 1889."

Words "principal Act" to mean "Patent Act, 1889."

Amends.

II. Hereafter in reading the first section of the Act 53 Victoria, chapter 2, the words "inventions as are hereinafter in this Act mentioned" in the second and third lines of the said section shall be omitted; and in lieu thereof the words "inventions as are mentioned in the principal Act," shall be inserted and read therefor, and deemed to have been included in the said section at the time of the passing thereof.

CLASS XII.

LAWS RELATING TO PUBLIC PONDS AND THE KEEP- ING OF TURTLE THEREIN.

No. 1.

45 Vic. c. 3. *An Act to afford protection to persons keeping Turtle in the Ponds near Governor's Harbour, Eleuthera.* (Assented to 29th March, 1882.)

Memorandum
of turtle with
marks to be
delivered to
resident justice.

I. It shall not be lawful for any person to place or keep turtle in any of the ponds near Governor's Harbour, in the Island of Eleuthera, known as the "Great Oyster Pond," the "Little Oyster Pond," and the "Turtle Pond," unless he shall deliver to the Resident Justice for the District of Governor's Harbour a memorandum in writing containing his name, the number of turtle to be placed by him in the pond, or which may already be in such pond belonging to him, the name of the pond, and the mark or marks upon such turtle.

Particulars of
memorandum
to be entered.

II. It shall be the duty of the said Resident Justice to keep a book in which he shall enter the particulars contained in any memorandum delivered to him by any person under the authority of the preceding section, which said book shall be considered for all purposes as the Register of Owners of Turtle in the ponds hereinbefore named.

Date of memo-
randum.

III. The said Resident Justice shall, after entering such particulars, add thereto the date upon which the said memorandum was delivered to him, and cause the entry to be signed by the owner of the turtle referred to therein.

Penalty for
keeping or
placing turtle
in ponds.

IV. If any person, after the passing of this Act, shall place, or having before the passing thereof placed, shall keep any turtle in any of the aforesaid ponds without having, within ten days after such placing, in the case of persons so doing after the passing of this Act, and within ten days after the passing thereof, in the case of persons who prior to such passing had already placed, delivered to the Resident Justice of Governor's Harbour aforesaid the memorandum required by the first section of this Act, he shall incur a penalty of One Pound for each and every day that he shall make default in delivering the said memorandum, which said penalty shall be recovered in a summary way before the Resident Justice aforesaid.

Penalty for
altering marks.

V. That if any person shall erase, deface, obliterate, or in any way alter any mark on any turtle, or put any false mark thereon with a fraudulent or malicious intent, every such offender shall, on conviction thereof before any Justice of the Peace, be liable to a fine not exceeding Five Pounds, and in default of payment, to imprisonment for any term not exceeding three months.

Penalty for
infringing rules.

VI. Repealed by 59 Vic. c. 2.

VII. All such rules, when approved of by the Governor in Council, shall be binding upon such registered owners, and any person infringing

the same, or any or either of them, shall be liable to a penalty of Five Pounds, to be recovered in the same manner as other penalties are recoverable under this Act.

VIII. Nothing herein contained shall be construed to affect the rights of the Crown to the said ponds. Crown's rights saved.

No. 2.

53 Vic. c. 20. *An Act to afford protection to persons keeping Turtle in the Ponds at Gregory Town, Eleuthera.* (Assented to 16th May, 1890.)

I. It shall not be lawful for any person to place or keep turtle in any of the ponds at Gregory Town, in the island of Eleuthera, known as the "East End Point Pond" and "Sweeting's Pond," unless he shall deliver to the Resident Justice for the District of Harbour Island a memorandum in writing containing his name, the number of turtle to be placed by him in the pond, or which may already be in such ponds belonging to him, the name of the pond, and the mark or marks upon such turtle. Memorandum of turtle with marks to be delivered to resident justice.

II. It shall be the duty of the said Resident Justice to keep a book in which he shall enter the particulars contained in any memorandum delivered to him by any person under the authority of the preceding section, which said book shall be considered for all purposes as the Register of Owners of turtle in the ponds hereinbefore named. Particulars of memorandum to be entered in a book.

III. The said Resident Justice shall, after entering such particulars, add thereto the date upon which the said memorandum was delivered to him and cause the entry to be signed by the owner of the turtle referred to therein. Date of memorandum.

IV. If any person after the passing of this Act shall place, or having before the passing thereof placed, shall keep any turtle in any of the aforesaid ponds without having within ten days after such placing, in the case of persons so doing after the passing of this Act, and within ten days after the passing thereof in the case of persons who prior to such passing had already placed, delivered to the Resident Justice of Harbour Island aforesaid the memorandum required by the first section of this Act, he shall incur a penalty of One Pound for each and every day that he shall make default in delivering the said memorandum, which said penalty shall be recovered in a summary way before the Resident Justice aforesaid. Penalty for keeping or placing turtle in ponds without delivering memorandum to resident justice.

V. That if any person shall erase, deface, obliterate, or in any way alter any mark on any turtle, or put any false mark thereon with a fraudulent or malicious intent, every such offender shall on conviction thereof before any Justice of the Peace be liable to a fine not exceeding Five Pounds, and in default of payment to imprisonment for any term not exceeding three months. Penalty for altering marks.

VI. Repealed by 59 Vic. c. 2.

VII. All such Rules when approved of by the Governor in Council shall be binding upon such registered owners, and any person infringing the same or any or either of them shall be liable to a penalty of Five Pounds, to be recovered in the same manner as other penalties are recoverable under this Act. Penalty for infringing rules.

VIII. Nothing herein contained shall be construed to affect the rights of the Crown to the said ponds. Crown's rights saved.

No. 3.

59 Vic. c. 2. *An Act to amend the Acts 45 Victoria, chapter 3, and 53 Victoria, chapter 20, relating to the keeping of Turtle in certain Ponds at the Island of Eleuthera, and for other purposes.* (Assented to 20th March, 1896.)

Title of Act.

I. This Act may be cited as "The Turtle Pond Amendment Act, 1896."

Repeals.

II. On the passing of this Act the sixth section of the Acts of Assembly, 45 Victoria, chapter 3, and 53 Victoria, chapter 20, respectively, and all rules made under the authority of such Acts shall be repealed.

Rules to be prepared by Resident Justice of Governor's Harbour.

III. At any time after the passing of this Act it shall be lawful for the Resident Justice for the district of Governor's Harbour, Eleuthera, to prepare and frame rules and regulations, and the same to change and alter when necessary, as to the use of the ponds within his district named in the Act 45 Victoria, chapter 3, which said rules and regulations shall be submitted for the approval of the Governor in Council.

Rules to be prepared by Resident Justice of Harbour Island.

IV. It shall be lawful for the Resident Justice for the District of Harbour Island at any time after the passing of this Act to prepare and frame rules and regulations, and the same to change and alter when necessary, as to the use of the ponds named and set forth in the Act of Assembly, 53 Victoria, chapter 20, which said rules and regulations shall be submitted for the approval of the Governor in Council.

Rules to have the force and effect of law.

V. All rules framed under this Act, when approved of by the Governor in Council, shall have the same force and effect as if they had been enacted in this Act.

"Resident Justice" defined.

VI. The term "Resident Justice" as used herein shall apply to any person who may be acting in that office.

No. 4.

60 Vic. c. 15. *An Act to amend "The Turtle Pond Amendment Act, 1896," and for other purposes.* (Assented to 20th May, 1897.)

Title of Act.

I. This Act may be cited for all purposes as "The Turtle Pond Amendment Act, 1896, Amendment Act, 1897."

Meaning of the words "principal Acts."

II. Where the words "principal Acts" are used in this Act they shall mean and refer to the Acts of Assembly, 45 Victoria, chapter 3, and 53 Victoria, chapter 20.

Amends.

III. In reading hereafter the second section of "The Turtle Pond Amendment Act, 1896," the words "Sixth and Seventh Sections" shall be omitted, and the words "Sixth Section" shall be inserted and read in lieu thereof.

Revives section seven of the principal Acts.

IV. The Seventh Section of the principal Acts is hereby revived, and in reading hereafter the said Acts such sections shall be respectively read as part of such Acts as if the same had not been repealed by "The Turtle Pond Amendment Act, 1896," and shall apply to any rules and regulations prepared and framed under the authority of the last-named Act.

PART V.

CLASS I.—Office of Ordinary.

CLASS II.—Marriage Laws.

CLASS III.—Registration of Births and Deaths.

CLASS IV.—Burials and Burial Grounds.

CLASS V.—Popular Education.

CLASS VI.—Poor Laws.

CLASS VII.—District Divisions.

CLASS VIII.—Population.

CLASS IX.—Miscellaneous Ecclesiastical Laws.

CLASS X.—Laws relating to Lunatics and Persons of Unsound Mind.

CLASS I.

OFFICE OF ORDINARY.

THE office of Ordinary, which has always been exercised by the Governor of the Colony, was originally conferred by the Royal Commission and Instructions issued to Governors.

Although the existence of the office and the official character of the Governor for the time being as Ordinary were recognised by various Acts of Assembly in force prior to 1849, and the powers of Ordinary had, as appear by records in the office of the Registrar of Records been exercised by the Governor of the Colony as far back as 1721, yet there was no express statutable provision regulating the constitution or jurisdiction of the office.

In the year 1849 it was discovered that the Royal Commission and Instructions of the then Governor did not confer upon him the office of Ordinary, and it was deemed necessary to legislate upon the subject, and the Act 13 Victoria, chapter 3, placed in this class was accordingly passed. The Act as originally passed contained a clause (II.) recognising the existence of a Court of Ordinary and continued it, but confined its jurisdiction to testamentary cases and cases of intestacy. This jurisdiction has been transferred to the Supreme Court of the Colony by "The Supreme Court Act, 1896." As Ordinary the Governor of the Colony grants licences for marriages.

No. 1.

13 Vic. c. 3. *An Act for the better regulation of the Office and Court of Ordinary of the Bahama Islands.* (Assented to 23rd August, 1849.)

WHEREAS various Acts of the General Assembly of the Bahama PREAMBLE.
Islands are now in force within the said islands, in which the Court of Ordinary of the said islands is recognised and referred to, and under and by virtue of which the Ordinary of the said islands is

Governor or
officer adminis-
tering the
Government for
the time being
to be ordinary.

authorised to exercise certain jurisdictions, and to perform certain acts, but no direct provision has been made by law for the constitution of the said Court, or for defining its jurisdiction, or for regulating the appointment of Ordinary, for remedy whereof may it, &c., That the Governor, or officer administering the government of the colony, for the time being shall be, and he is hereby constituted "Ordinary of the Bahama Islands," and as such shall have and is hereby invested with full power and authority to execute and perform all acts, matters, and things which by any law now in force in the colony appertain or belong to the office of Ordinary, or which by any such law, or by any usage heretofore existing in the colony, the Ordinary is authorised and empowered, or has been accustomed to execute and perform.

II., III. and IV. Repealed by "The Supreme Court Act, 1896."

CLASS II.

MARRIAGES.

No. 1.

1 Vic. c. 4. *An Act to declare the validity of certain Marriages solemnized within the Bahama Islands, and to provide for the registering thereof.* (October 31st, 1837.)

PREAMBLE.

Certain mar-
riages declared
valid.

WHEREAS many marriages have been celebrated in the Bahama Islands by justices of the peace, and by acknowledged religious teachers: AND WHEREAS, in the absence of any direct provision by law for the recognition of such marriages, or, in consequence of some alleged informality or irregularities in the same, questions touching the validity of such marriages have been entertained whereby the minds of the parties are disquieted and the interests of a large portion of the inhabitants of these islands are seriously affected; and it is therefore expedient, for the purpose of allaying all such disquietudes, to declare the validity of all such marriages; May it, &c., That all marriages which have taken place and been solemnized by some justice of the peace or some known religious teacher within the Bahama Islands shall remain, and be held, and are declared as good and valid in law as if they had been celebrated by persons competent to perform that ceremony; that is, by priests in holy orders: and that every such justice of the peace or religious teacher aforesaid, having solemnized any such marriage, and all other persons concerned, shall be held to be indemnified; and they and each of them is and are hereby declared to be indemnified, free, and exonerated from all censure, ecclesiastical or civil, for and in respect of the same.

Disputes to be
referred to
ordinary.

II. And whereas disputes may arise in relation to such marriages between the parties interested therein, and to provide for the summary settlement thereof: Be it, &c., that it shall and may be lawful for any one or more of such parties to refer any such disputes to the Ordinary of these islands, who shall in each case determine according to his own discretion, whether the ceremony which may have taken place was or was not such as might reasonably be regarded in the light of a marriage contract: Provided always, that nothing in this Act contained shall affect, or be construed to annul, or impair, any marriage actually celebrated by a minister of the Church of England in these islands, or other duly authorised person; but that every such last-mentioned marriage shall be deemed valid, notwithstanding any pre-contract.

III. That it shall and may be lawful for the parties concerned to cause any of the hereinbefore mentioned marriages to be registered in the marriage books of the districts of the colony where the parties reside, or in any other district of the colony, but in all cases stating the district in which the marriage was solemnized and the period thereof.

Registration of
such marriages.

IV. Repeals 6 Wm. 4, c. 4.

No. 2.

2 Vic. c. 13. *An Act for the Regulation of Marriages within the Bahama Islands, and for other purposes.* (February 14th, 1839.)

WHEREAS the present marriage laws of the colony are inappropriate to the altered condition of the colony, occasioned by the abolition of slavery, and inadequate to the increased desire for lawful matrimony; and it has consequently become expedient and necessary to amend such laws and to adapt them to the altered state and condition of society; May it, &c., That from and after the commencement of this Act it shall and may be lawful for any minister of the Christian religion, ordained or otherwise set apart to the ministry of the Christian religion, and acknowledged as such by any known sect or society of Christians, in the United Kingdom of Great Britain and Ireland, according to the usage of the persuasion to which such minister shall belong, to publish within the colony banns of marriage between persons desirous of being joined together in matrimony; publication of banns to be made in an audible manner some time during public divine service on a Sunday, in the face of the congregation before whom such minister shall officiate, in the parish in which one or both of the parties to be married shall dwell; and shall contain the Christian name or names and surname and place of abode of each of the said parties; and shall be so published by some such minister for three Sundays preceding the solemnization of the marriage during the morning service, if there be service in the morning; or if there shall be no morning service, then during the evening service; and if the parties shall dwell in different parishes the banns shall be published in like manner in both of such parishes; and if the said parties shall be of different persuasions, the banns shall be published in like manner before each of the congregations to which the said parties may respectively belong, whether both of such congregations shall assemble in the same parish or not; and where one or both of the parties to be married shall dwell in any island or district not included within the limits of any parish, then if there be a congregation of the persuasion to which such parties or either of them shall belong, assembling for public divine worship as aforesaid in such island or district, the banns of the party or parties dwelling in such island or district shall be published in manner aforesaid in such island or district; but if there be no such congregations in such island or district, then the banns of such of the parties to be married as shall dwell in such island or district shall be published in manner aforesaid in some parish near to such island or district; and in cases where the banns shall have been published as aforesaid in different places, the officiating minister at each of such places shall, on request for that purpose made by both or either of the parties whose name shall have been published as aforesaid, give to the party requiring the same a certificate of the banns having been duly published as aforesaid, in the place of which he is an officiating minister; and on the production of such certificate to the officiating minister of the other place where the banns were published, or on the production of certain certificates from both of such ministers as aforesaid, to any other such minister as aforesaid in the parish or island or district to which one of the parties shall belong, it shall be lawful for such minister of either

PREAMBLE.

Dissenters may
publish banns,
&c.

of the places where the banns were published, on receiving such certificate from such minister of the other place where the said banns were published, or for such other minister as aforesaid, to whom the certificates of the ministers of both of the places where the said banns were published shall be delivered, on receipt of such certificate or certificates (as the case may be) to solemnize matrimony between the said parties according to such form and ceremony as shall be in use, or be adopted by the persuasion to which the minister solemnizing such marriage shall belong: Provided that whenever the form and ceremony used shall be other than that of the United Church of England and Ireland, each of the parties shall, in some part of the ceremony, make the following declaration:—

“I do hereby declare that I know not of any lawful impediment why I, A. B., may not be joined in matrimony to C. D., here present.”

And each of the parties shall say to the other:—

“I call upon these persons here present to witness that I, A. B., do take thee, C. D., to be my lawful wedded (wife or husband).”

II. That it shall be the duty of every minister as aforesaid, who shall have published banns of marriage as aforesaid, upon request for that purpose made by both or either of the parties whose banns such minister shall have published, to grant a certificate thereof: and any minister refusing or neglecting so to do, upon request for that purpose being made as aforesaid, shall for every such refusal or neglect forfeit or pay to the party or parties demanding such certificate the sum of ten pounds sterling, to be recovered in any action of debt in any Court having competent jurisdiction.

III. That no minister shall be obliged to publish banns between any persons whomsoever unless the persons to be married shall, two days at the least before the time required for the first publication of such banns, respectively deliver or cause to be delivered to such minister a notice of their true Christian name or names and surnames, and a description of their place or respective places of abode in such parish or island or district as aforesaid, and of the time during which they have dwelt in such place or places; and that it shall not be lawful for any minister to solemnize any marriage after three calendar months from the last publication of banns of such marriage; and in all cases where three calendar months shall have elapsed without the marriage having been solemnized, the publication of such banns shall be void; and before the said parties can be married by banns it shall be necessary to re-publish banns anew, in manner and form aforesaid, as if no banns had ever been published between them.

IV. That no such minister as aforesaid who shall solemnize any marriage, after due publication of banns as aforesaid between persons, both or one of whom (not being a widow or widower) shall, at the time of such marriage, be under legal age, shall be answerable or responsible, or liable to any pain, penalty, or proceeding, for having solemnized such marriage without the consent of the parents or guardians, or of any other person whose consent is required by law, unless such parent or guardian, or other person, or one of them, shall forbid the marriage, and give notice thereof to such minister, before he has solemnized the same, and in case such marriage shall be forbidden as aforesaid, and such notice thereof shall be given as aforesaid, the publication of banns for such marriage shall be absolutely void.

V. That in all cases where any parties intending marriage shall desire to have such ceremony of such marriage solemnized without the publication of banns, and shall apply to the Governor, as Ordinary of the colony, for a licence for such purpose, it shall and may be lawful for the Governor, upon request of such parties, or either of them, to cause such licence so to be worded as to authorise the marriage in respect of

Certificate of publication of banns.

Minister not obliged to publish banns unless the parties deliver in their names, &c., two days previous.

Marriages not to be solemnized three months after last publication of banns.

Minister not responsible after publication of banns.

Governor authorised to grant licences.

which such licence is applied for to be solemnized in any place where such parties, or either of them, shall require, and by any minister by whom such marriage could have been solemnized by virtue of this Act, if banns thereof had been published as aforesaid.

VI. AND WHEREAS it may happen that one or both of the parties to be married may be without parents or guardians, or that the parents or parent, guardians or guardian, of one or both of them may be *non compos mentis*, or otherwise incapable in law or in fact of consenting to a proper marriage: Be it, &c., That in all such cases it shall be lawful for any person desirous of marriage, to whose marriage such consent is necessary but cannot be given, to apply by petition to the Governor in Council, who is hereby empowered to proceed upon such petition in a summary way; and in case the marriage proposed shall upon examination appear to him to be proper, the said Governor in Council shall declare, by his order in writing, that such marriage is proper, and may be solemnized forthwith; and every marriage duly solemnized, in pursuance or under the authority or direction of such order, shall be as good, valid, and effectual to all intents and purposes whatsoever as if such consent as aforesaid had been duly given thereto.

When parties to be married have no parents, &c., to give consent.

VII. That after the solemnization of any marriage, under or by virtue of this Act, and which has been registered, as hereinafter directed, it shall not be necessary, in further support of such marriage, or in any action, suit, or proceeding, where the same may come into question, to give any proof of the actual dwelling of the parties married, or of either of them before the marriage, or that the banns were published, or that the marriage was solemnized in the place and by a person where and by whom the same ought to have been published and solemnized respectively; nor shall any evidence be received to prove the contrary.

After solemnization of marriage no further proof necessary.

VIII. That in no case whatsoever shall any suit or proceeding be had in any Court, or before any jurisdiction whatsoever, to compel the celebration of any marriage, by reason of any promise of marriage, or contract entered into, or by reason of seduction, or of any cause whatsoever which shall arise after the passing of the Act, any law or usage to the contrary notwithstanding: Provided always, that nothing herein contained shall prevent any person aggrieved from suing for or recovering damages in any Court, or by any proceeding, wherein and whereby damages may be lawfully recovered for breach of promise of marriage, or for seduction, or other causes, as aforesaid.

No suit to compel marriage for breach of promise, &c.

Proviso.

IX. And in order to preserve evidence of marriage, and to make the proof thereof certain and easy, and for the direction of such ministers as aforesaid in the registration thereof, it is hereby, &c.: That from and after the passing of this Act all marriages (except marriages by special licence to marry at any time and place) shall be solemnized with open doors between the hours (eight) in the forenoon, and (four) in the afternoon, in the presence of two or more credible witnesses, besides the minister who shall solemnize the same; and that, immediately after the celebration of every marriage, an entry thereof shall be made in a marriage register book, to be kept for that purpose by some such minister as aforesaid, or in some safe custody, for the place in which marriages may be solemnized; and in every such entry in every such register it shall be expressed that the marriage was had by banns or licence; and if both or either of the parties married by licence be under age, and not a widow or widower, that it was had with the consent of the parents or guardians, or other person or persons, having lawful authority to withhold consent to the marriage, or after such order of the Governor in Council as aforesaid; and shall be signed by the minister, with his proper addition, and by the parties married, and shall be attested by such two witnesses; and every such entry shall be in the form or to the effect of the following specimen:—

Manner in which marriages are to be solemnized.

ORIGINAL REGISTER.

1838, MARRIAGES SOLEMNIZED AT DUNMORE TOWN, IN THE PARISH OF ST. JOHN'S, BAHAMAS, 1839.

No.	When Married.	Christian and Surname.	Ages.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	After Banns or Licence.	Consent, by whom given, or Governor's Order in Council.
1	1839, 1st Jan.	John Williams Lucy Chambers	Full age Minor	Bachelor Spinster	Carpenter		After Banns	HENRY CHAMBERS, the father.

Married in the Wesleyan Chapel, at Dunmore Town, after banns, by me, A. B., Wesleyan Minister.

This Marriage was solemnized between us, { JOHN WILLIAMS, } in the presence of { C. D.
LUCY CHAMBERS, } { E. F.

And of such entry, at the same time, before the parties depart, shall then and there be made, on a separate piece of paper, parchment, or vellum, a duplicate original register, in which the same matter shall be entered and signed and attested by the same parties in manner or to the effect of the following specimen :—

DUPLICATE ORIGINAL REGISTER.

1838, MARRIAGES SOLEMNIZED AT DUNMORE TOWN, IN THE PARISH OF ST. JOHN'S,
BAHAMAS, 1839.

No.	When Married.	Christian and Surnames.	Ages.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	After Banns or Licence.	Consent, by whom given, or Governor's Order in Council.
1	1839, 1st Jan.	John Williams	Full age	Bachelor	Carpenter		After Banns	HENRY CHAMBERS, the father.
		Lucy Chambers	Minor	Spinster				

Married in the Wesleyan Chapel, at Dunmore Town, after banns, by A. B., Wesleyan Minister.

This Marriage was solemnized between us, { JOHN WILLIAMS, } in the presence of { C. D.
LUCY CHAMBERS, } { E. F.

Examined with the Original Register, by me, and found to be correct, A. B.

Which said duplicate original register shall be left in the hands of the minister by whom the marriage was solemnized; and every such duplicate original register shall, within one calendar month from the date thereof, or at the earliest possible period after the expiration of such calendar month, be transmitted to the Secretary of the colony; and all such duplicates shall be filed and safely preserved by him in his office; and every such original register, and also every copy thereof certified under the hand of the minister, who, for the time being, shall have the lawful custody of the original, to be a true copy; and every such duplicate original register, and also every copy thereof, certified under the hand of such Colonial Secretary to be a true copy, shall respectively be good evidence of the facts therein recorded, in pursuance of this Act, in and before all Courts and proceedings whatsoever, in which it shall be necessary to give evidence of the marriage to which the same shall relate.*

Record book
may be searched
every day, Sun-
days excepted.

X. That it shall be lawful for all persons at all reasonable times in the day, except Sundays, to search the original register book, and also the file of duplicate original registers, in the presence of the person for the time being having the care of the same respectively, or his deputy, and to have a true copy or copies of any entries or entry therein, or filed, as aforesaid, certified under the hand of the minister having the custody of the original or duplicate original register as aforesaid (as the case may be); which true copies or copy such minister or Secretary is hereby required to make, examine, and certify, under his hand, to be a true copy in the form of the duplicate original register, except that the same shall be headed "Certified copy [or copies] of original [or duplicate original] marriage register" [or as the case may be], and shall be dated on the day, month, and year where the same shall be delivered.

XI. That in order to meet the expense, and as a remuneration for the trouble occasioned by the performance of any duty under this Act, the following fees shall be demanded and payable before the performance of the duty to which the same respectively relate, that is to say:—

Fees

For solemnizing and registering a marriage, and transmitting the duplicate original to the Secretary of the colony, two shillings sterling; for every general search, not directed to any particular entry, one shilling sterling; for every search for two or more particular entries, and not exceeding four entries, sixpence sterling each; for every search for any number of particular entries exceeding four, one shilling sterling; for every such certified copy as aforesaid, one shilling sterling: Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent or debar any clergyman of the Established Church of England and Ireland from demanding and receiving for any duty performed by him fees at and after the rates established by the eighth section of the Act of Assembly, passed in the fourth year of the reign of his late Majesty King William the Fourth, entitled "An Act for the erecting and repairing of churches, the disposal of the pews, and appropriating of the money arising therefrom towards the maintenance of the poor within these islands, and for other purposes:" And provided also, that nothing herein contained shall authorise or require any clergyman of the Established Church aforesaid, to solemnize marriage in any other manner than is prescribed by the rubric.

Proviso.

Penalty for wil-
fully destroying,
&c., original or
duplicate
register.

XII. That if any person shall unlawfully, wilfully, and maliciously erase, obliterate, or destroy, or cause, or procure to be erased, obliterated, or destroyed, any such original register, or the duplicate original register as aforesaid, such person shall be deemed guilty of a misdemeanor, and, on being duly convicted thereof, shall be liable to be imprisoned in some

lawful place of confinement, for any term not less than three nor exceeding twelve calendar months; and if any person shall unlawfully and wilfully forge or alter, or falsely make, or cause, or procure, or permit to be forged, or altered, or falsely made, any such original register, or duplicate original register, or any certified copy thereof respectively, or shall knowingly and wilfully deliver, offer, utter, or put off any such forged, false, or altered copy, he shall be liable for such offence, on conviction thereof, to be imprisoned in any such place as aforesaid, for any term not exceeding eighteen months, nor less than six months.

XIII. AND WHEREAS, since the abolition of slavery in the British colonies, doubts have arisen and exist as to the validity of certain marriages, contracted and solemnized previous to the abolition of slavery in the said colonies, between slaves and between parties, one of whom was a slave, and also, in some cases, between free persons of colour, and since the abolition of slavery, between apprentices and other persons of free condition, by ministers of the Christian religion other than clergymen of the United Church of England and Ireland; and it is expedient and necessary that all such doubts should be removed, and such marriages and reputed marriages should be ascertained and confirmed, and that all persons who have solemnized any such marriages or reputed marriages, or who have in any manner assisted thereat, should be indemnified from and against all pains, penalties, forfeitures, and proceedings, to which such persons or any of them may be liable therefor: Be it, &c., That all marriages which at any time before the passing of this Act shall have been solemnized in any of these islands, by or before any such minister of the Christian religion as aforesaid shall be, and the same are hereby declared to be, and to have been, from the time of the solemnization thereof respectively, good, valid, and effectual, to all intents and purposes whatsoever, any law or usage to the contrary thereof in anywise notwithstanding; and all pains, penalties, forfeitures, and proceedings, of whatsoever kind or description, which any such Christian minister may have incurred, or become liable to, before the taking effect of this Act, by reason of his having solemnized or assisted at any marriage whatsoever, or in anywise in relation thereto, is and are hereby remitted, released, repealed, and made void: Provided always, nevertheless, that this clause shall extend, and be construed to extend, only to cases in which the parties, who having been so married as aforesaid, or either of them, have not, since the solemnization of such marriage, and before the passing of this Act, intermarried with any other person or persons, according to the rites and ceremonies of the United Church of England and Ireland.

Marriages solemnized before the passing of this Act declared valid.

XIV. AND WHEREAS in some instances registers of such marriages last aforesaid have been duly made and kept by such ministers as aforesaid who officiated thereat: Be it, &c., That all such registers, and all copies thereof respectively, certified under the hand of the person for the time being having the lawful care of the same to be true copies, shall be, and the same are hereby declared to be, good evidence of such marriages as aforesaid respectively as fully as if such register had been made and kept and such certified copies had been made respectively by persons appointed by law to make and keep the same, and shall be received in evidence in all Courts and before all judges and magistrates.

Registers declared to be good evidence of marriage.

XV. That the better to preserve evidence of marriages so registered, and to facilitate the proof thereof, every person in whose custody any register lawfully is or shall be at the time of the commencement of this Act shall, within six months after such the commencement of this Act, respectively make or cause to be made a fair and correct copy of every such register and of every entry therein contained; and it shall be lawful for any Christian minister as aforesaid to examine, verify,

Manner in which registers of confirmed marriages are to be preserved.

and correct (if anywhere found incorrect) by the original, any such copy of a register kept by any person or persons of the persuasion to which he belongs, and to take the same before any magistrate and make and sign the following declaration, which any magistrate to whom the same shall be tendered, is hereby authorised and required to receive, and to certify in manner following, that is to say :—

"I, A. B. [describe the persuasion to which he belongs], do hereby solemnly, sincerely, and truly declare that I have carefully examined this copy, beginning the _____ day of _____ [month and year], and ending on the _____ day of _____ [month and year], and containing _____ pages and _____ entries of marriages, with the original register; and I believe the same to be throughout a true and faithful copy of the original register, of which it purports to be a copy. Signed A. B.

"The said A. B. appeared this _____ day of _____ before me, C. D., one of Her Majesty's justices of the peace in and for _____ and made and signed the above declaration in my presence. Signed C. D."

Which declaration and magistrate's certificate thereof shall be entered and signed at the end of the copy to which it relates; and the copy shall be then securely sealed up and forthwith sent to the Secretary of the Colony as aforesaid, to be by him kept with the register of marriages in his office, where the same may be searched; and any copy of any entry therein certified under his hand to be a true copy shall be of the same force and effect as any certified copy whatsoever made by him is or can be, and which certified copies he is hereby required to make, and may receive payment for, as in other cases.

Penalty on a false declaration.

XVI. That if such minister as aforesaid shall wilfully make or sign any such declaration, knowing the same to be false, he shall be liable to the pains and penalties to which persons guilty of wilful and corrupt perjury are liable.

How marriages *de facto* are to be made valid.

XVII. AND WHEREAS, in consequence of imperfect instruction in the Christian religion and from other causes, many marriages *de facto* have taken place between persons, one or both of whom were in the condition of slavery, and other persons, but which marriages *de facto* have never been sanctioned by any public ceremony, or formally registered, and in many such cases the parties have had offspring of such last-mentioned marriages, and it is expedient that provision should be forthwith made for enabling such persons to confer upon their children the rights of children born in lawful wedlock : Be it, &c., That it shall be lawful for all persons having contracted marriages as last aforesaid, and who have not subsequently to such marriage *de facto* been legally married to any other person or persons, at any time within two years after the passing of this Act, duly to solemnize the marriage ceremony before any clergyman of the Established Church, or in any other manner authorised by this Act; and every person so recognising a previous marriage *de facto* shall at the same time make and sign the following declaration, which shall also be attested by the witness present, and signed by the minister before whom the ceremony is performed :

“We, A. B. and C. D., do hereby solemnly, sincerely, and truly declare that on the _____ day of _____ in the year _____ or thereabouts, at _____ we, the said A. B. and C. D., intermarried with each other, and that we have had issue of the said marriage _____ children, and no more, viz. : [here state the names and ages of the children, and if any be dead, state the fact.]

“Present, } (Signed) A. B.
X. Y. } (Signed) C. D.”

And such marriage ceremony shall have relation back to the time of the marriage *de facto*; and all such children shall be deemed and taken to have been born in holy wedlock, and shall possess and enjoy all the rights, privileges, and advantages of persons born in lawful wedlock; and to preserve evidence thereof, a duplicate original declaration shall then and there, before the parties depart, be made, signed, and attested in the same manner; and the original declaration shall be appended to and kept with the original register, and the duplicate original declaration shall be appended to, sent, and kept with the duplicate original register, and shall, for all purposes of evidence, be deemed part thereof respectively: Provided always, and it is hereby declared, that such last-mentioned ceremony and declaration may be performed and made without the previous publication of banns, or a licence: Provided, however, and, &c., that nothing in this Act contained shall be construed or understood in any manner to affect the right of the Governor or Commander-in-Chief, as Ordinary of these islands, in granting marriage licences so far as the same now are or may be lawfully exercised and enjoyed.

A duplicate register to be made and kept.

Proviso.

Nothing in this Act to affect rights of the Governor to grant marriage licences.

XVIII. That the word "Governor" in this Act shall be taken to mean the Governor or other officer lawfully administering the Government of the colony.

Meaning of the word "Governor."

XIX. Repeals 5 Wm. 4, c. 15, 6 Wm. 4, c. 9, and so much of 5 Wm. 4, c. 33, as shall be repugnant to or inconsistent with the provisions of this Act, with the following proviso: Provided, however, that such repeal shall not invalidate, or be construed to invalidate, any marriage or marriages, which may have been had and solemnized under the authority of such Acts, or any or either, all which marriages shall be and be held good and valid, such repeal to the contrary notwithstanding.

Certain Acts repealed.

No. 3.

5 Vic. c. 9. *An Act to amend 2 Vic. c. 13.* (March 3rd, 1842.)

WHEREAS in many of the out-islands of the Bahama Government there is not a sufficient number of clergy to afford adequate facilities for marriage: May it, &c., That it shall and may be lawful for the Governor or officer administering the Government of the colony for the time being, when and as often as it shall seem expedient and necessary so to do, to appoint, by writing under his hand and seal at arms, one or more fit and proper person or persons to be called the marriage officer, to solemnize marriages within such part or parts of the colony as the Governor from time to time shall direct; and it shall be lawful for the Governor or officer administering the Government for the time being as aforesaid, at any time and from time to time, to revoke and cancel any such appointment or appointments, to alter, vary, enlarge, or contract the district or districts in which any person so appointed shall have power or jurisdiction to celebrate marriages, for any cause which to him shall seem meet, and every such appointment shall specify the part or district within which the person thereby appointed shall have power and jurisdiction to celebrate marriages; and until some law shall be made, passed, allowed, and promulgated for regulating marriages by persons so appointed, it shall be lawful for the Governor or other officer aforesaid, and he is hereby requested to direct, declare, and promulgate the manner by which the intention of parties to marry, before any such marriage officer, shall be made public: Provided always, that it shall not be lawful for any such marriage officer to solemnize marriages between persons one or both of whom shall be under lawful age, unless in the case of a widow or widower, after such marriage shall be forbidden, and

PREAMBLE.

Governor may appoint marriage officers to publish banns and solemnize marriages, &c.

Provisions of amended Act applicable to this Act.

notice thereof given to him by any person having lawful authority to forbid the same: And provided also, that every recognised minister of religion may nevertheless publish banns and celebrate marriages under and by virtue of the Act to which this Act is an amendment in any part or district within which such marriage officer may reside.

II. That all and singular the provisions of the Act to which this Act is an amendment, regulating the manner in which marriage shall be solemnized and registered; and the force and effect of such regulations shall and the same are hereby declared to extend to marriages solemnized by marriage officers as aforesaid.

No. 4.

13 Vic. c. 2. *An Act to remove doubts as to the validity of certain Marriages.* (August 23rd, 1849.)

PREAMBLE.

All marriages since 20th June, 1844, under licence from the Governor, as ordinary, hereby declared to have been and to be good in law, notwithstanding want of due authority on the part of the Governor.

WHEREAS various marriages have been had and celebrated in the Bahama Islands, since the twentieth day of June, which was in the year of our Lord one thousand eight hundred and forty-four, under licences granted by the Governor or Lieutenant-Governor for the time being, acting as Ordinary of the said islands: And whereas it now appears that the Governor or Lieutenant-Governor of the said islands for the time being had no express authority from and after the said twentieth day of June aforesaid to exercise the office of Ordinary, and doubts may in consequence thereof arise as to the validity of the marriages so had and celebrated as aforesaid, and it is expedient at once to put an end to such doubts: May it, &c., That all marriages had and celebrated as aforesaid were and are good in law to all intents and purposes whatsoever, the want of due authority on the part of the Governor or Lieutenant-Governor for the time being, to exercise the office of Ordinary, to the contrary notwithstanding.

No. 5.

29 Vic. c. 37. *An Act to remove doubts as to the validity of certain Marriages solemnized by persons acting as Marriage Officers under the Act of Assembly, 5 Vic. c. 9.* (Assented to 11th May, 1866.)

PREAMBLE.

WHEREAS in and by the Act of Assembly, 5 Vic. c. 9, it is enacted that it is and shall be lawful for the Governor or officer administering the Government of the colony for the time being, when and as often as it shall seem expedient and necessary so to do, to appoint by writing, under his hand and seal at arms, one or more fit and proper person or persons to be called the marriage officer, to solemnize marriages within such part or parts of the colony as the Governor from time to time shall direct; and it shall be lawful for the Governor or officer administering the Government for the time being as aforesaid, at any time and from time to time to revoke and cancel any such appointment or appointments, to alter, vary, enlarge, or contract the district or districts in which any person so appointed shall have power or jurisdiction to celebrate marriages, for any cause which to him shall seem meet; and every such appointment shall specify the part or district within which the person thereby appointed shall have power and jurisdiction to celebrate marriages:

And whereas appointments of marriage officers have not always been made in strict accordance with the provisions of the Act, nor have the districts within which such officers were to act been always defined, and

marriages have at times been celebrated by such officers out of the district for which they were appointed to act, whereby doubts have arisen as to the validity of various marriages had and solemnized by such officers, and it is expedient that such doubts should be removed, and that all marriages solemnized by persons appointed under, although not in strict conformity with, the provisions of the said Act, and which, but for the informalities before referred to, would be good and valid marriages, shall be declared to be good and valid, notwithstanding any informality as aforesaid: May it, &c.

I. That every marriage had and solemnized since the date of the passing of the said Act by a person appointed by the Governor or officer administering the Government of the colony for the time being to act as a marriage officer, whatever the mode of appointing such officer may have been, and wherever within the colony such marriages may have been celebrated shall be as good, valid, and effectual as if the person celebrating the same had been appointed a marriage officer with all the formalities required by the said Act, and had celebrated such marriage within the immediate district for which he was appointed to act.

Legalises certain marriages.

No. 6.

37 Vic. c. 20. *An Act to amend the Act of Assembly, 2 Vic. c. 13.*
(Assented to 25th April, 1874.)

WHEREAS the provisions of the Act of Assembly, 2 Vic. c. 13, which require ministers of religion solemnizing marriages under such Act to transmit to the Registrar of Records a duplicate original register of every marriage so solemnized, do not apply to ministers of the Church of England and Ireland, or of the Presbyterian Church within the colony; but in consequence of alterations which have taken place in the ecclesiastical laws of the colony since the passing of the said Act of the second year of Her Majesty's reign, it is right and proper that the provisions of the said Act should be extended and made to apply to marriages solemnized by ministers of religion of every denomination of Christians, and that the proof of marriages may thereby be made similar in all cases: May it, &c.

PREAMBLE.

I. From and after the first day of July, 1874, the provisions of the Act of Assembly, 2 Vic. c. 13, regulating marriages within the colony which require a minister solemnizing a marriage within these islands, under the said Act, to transmit to the "Registrar of Records" a duplicate original register of the marriage so solemnized by him, shall be held and construed to apply to the ministers of the Church of England and of the Presbyterian Church, within the colony, and each and every minister or ministers of such churches upon solemnizing any marriage shall, and they are hereby required to transmit to the Registrar of Records a duplicate original register of the entry in his or their marriage register book of every such marriage so solemnized by them in the same and the like manner as ministers of other denominations are by the said Act required to do.

Church of England and Presbyterian ministers to transmit marriage registers to Record Office.

II. All duplicate original registers made and transmitted to the Registrar of Records under the authority of this Act, and all copies thereof made as directed by the said Act of Assembly, 2 Vic. c. 13, shall have the same force and effect, and be receivable in evidence, and be as valid and effectual for all purposes, and to the same extent as duplicate original registers transmitted to the Registrar of Records under the authority of the said Act, 2 Vic. c. 13.

Registers may be received in evidence.

No. 7.

38 Vic. c. 3. *An Act further to amend the Act 2 Vic. c. 13, entitled "An Act for the Regulation of Marriages within the Bahama Islands, and for other purposes."* (Assented to 17th March, 1875.)

PREAMBLE.

WHEREAS the right to celebrate marriages conferred by the Act to which this Act is an amendment is restricted to ministers of the Christian religion ordained or otherwise set apart to the ministry of the Christian religion and acknowledged as such by some known sect or society of Christians in the United Kingdom of Great Britain and Ireland:

AND WHEREAS it is expedient to extend the provisions of the said Act under the limitations hereinafter specified to other ministers of the Christian religion than those specially designated in the said Act: May it, &c.

Governor in Council may license any person claiming to be a minister of the Christian religion to celebrate marriages.

I. Upon its being shown to the satisfaction of the Governor in Council that any person claiming to be a minister of the Christian religion, but who does not come within the designation of a minister of religion as set forth in the Act to which this Act is an amendment, has been chosen by any congregation of Christians within the Bahama Islands to be a minister of such congregation, and that the members of such congregation are desirous that the minister so chosen by them should be authorised to celebrate marriages according to the usages of their particular persuasion, it shall be lawful for the Governor, on petition for that purpose presented by any such minister and congregation, by Order in Council to license such person to celebrate marriages according to the usages of the persuasion to which such person and the congregation which have chosen him as a minister shall belong, and upon the publication in the official newspaper of the colony of such Order in Council, the provisions of the Act to which this Act is an amendment shall extend to and apply to the person named in such Order in Council and to all marriages celebrated by him in the same and the like manner as such provisions now apply to the ministers of religion therein specially mentioned, and shall govern and control all marriages celebrated under the authority of this Act.

Proof of Order in Council.

II. The production of the official newspaper with any such Order in Council inserted therein shall be accepted in all Courts of law or equity as sufficient proof that the order therein inserted was duly made and issued, and that the person named in the order so published is legally qualified to celebrate marriages, and no evidence to the contrary shall be received.

Construction.

III. This Act shall be construed as one with the Act 2 Vic. c. 13.

No. 8.

59 Vic. c. 10. *An Act to amend the Marriage Laws of the Colony.* (Assented to 20th March, 1896.)

Title of Act.

I. This Act may be cited for all purposes as "The Marriage Law Amendment Act, 1896."

Repeals.

II. From and after the passing of this Act so much of the ninth section of the Act of Assembly, 2 Victoria, chapter 13, as requires all marriages (except marriages by special licence to marry at any time and place) to be solemnized between the hours of (eight) in the forenoon and (four) in the afternoon shall be repealed, and such marriages may be solemnized in the manner prescribed by the said section between the hours of six o'clock in the forenoon and eight o'clock in the evening, anything in the said Act to the contrary notwithstanding.

Marriages by banns may be solemnized between the hours of 6 o'clock a.m. and 8 o'clock p.m.

CLASS III.

REGISTRATION OF BIRTHS AND DEATHS.

No. 1.

13 Vic. c. 7. *An Act for the Registration of Births and Deaths.*
(March 14th, 1850.)

WHEREAS the Act of the General Assembly of the Bahama Islands, passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled "An Act for securing an efficient registration of births, baptisms, marriages, and deaths, within the colony, and to provide for the baptism of children in parishes where there may be no resident minister of the Church of England, is insufficient for the purpose of effecting a complete registry of births, and is also in other respects defective: May it, &c., That the said Act shall be and the same is hereby repealed.

PREAMBLE.

Repeals Act of
Assembly,
5 Will. 4, c. 33.

II. That a register, to be made up in manner hereinafter specified, of all births and deaths of persons born or dying within these islands, shall be kept at the office of the Public Secretary and Registrar of Records for the colony.

Register of births
and deaths to be
kept in the office
of the Colonial
Secretary.

III. That it shall be lawful for the Governor from time to time to appoint persons to act as registrars of births and deaths for the various districts, parishes, or towns within the colony, or for any subdivision of any such district, parish, or town, as the Governor may think fit to make, for the purposes of this Act.

Registrar to be
appointed by the
Governor.

IV. That it shall be lawful for the Governor from time to time to make regulations for the governance of such registrars, in the execution of this Act, so that such regulations be not contrary to the provisions herein contained.

Governor to
make regulations
for guidance of
registrar.

V. That a sufficient number of forms for the registry of births and deaths, according to the specimen in the Schedules A. and B. to this Act annexed, shall from time to time be procured at the public expense, and furnished to such registrars, all which forms shall be of durable material, and shall be distributed among such registrars on separate sheets, each sheet being headed on each side with the heads of information required to be registered by this Act, and a sufficient margin being left on one and the same side of all such forms, for the purpose of their being afterwards stitched or bound up into a register book as herein-after provided for.

Forms for the
registry of births
and deaths to be
supplied to
registrars.

VI. That every registrar shall be authorised and he is hereby required to inform himself carefully of every birth and every death which shall happen after the thirtieth day of June, one thousand eight hundred and fifty, within the district, parish, or town, or subdivision of a district, parish, or town, for which he is appointed to act, and to register, as soon after the event as conveniently may be done, without fee or reward, save as hereinafter mentioned, in one of the said sheets of forms, the particulars required to be registered, according to the specimen in the said schedule respectively touching every such birth or every such death, as the case may be, every such entry being made in order from the beginning of the sheet of forms first commenced with, until such sheet is filled or returned to the office of the Public Secretary and Registrar of Records as hereinafter provided for, and so on in every other sheet in succession.

Duty of regis-
trars defined.

VII. That the father or mother of every child born in this colony, after the said thirtieth day of June, or in case of the death, illness, absence or inability of the father and mother, the occupier of the house

Births to be
registered within
forty-two days.

or tenement in which such child shall have been born, shall, within forty-two days next after the day of every such birth, give information, upon being requested so to do, to the said registrar, according to the best of his or her knowledge or belief, of the several particulars hereby required to be known and registered, touching the birth of such child.

Births not registered in accordance with preceding section, how provided for.

VIII. That after the expiration of forty-two days following the day of the birth of any child, it shall not be lawful for any registrar to register such birth, save as hereinafter is mentioned, provided that in case the birth of any child shall not have been registered, according to the provisions hereinbefore contained, it shall be lawful for any person present at the birth of such child, or for the father or guardian thereof, at any time within six calendar months next after the birth, to make a solemn declaration of the particulars required to be known touching the birth of such child, according to the best of his or her knowledge or belief, and it shall thereupon be lawful for the said registrar then and there, in the presence of a justice of the peace, to register the birth of the said child, according to the information of the person making the said declaration, and in every such case the justice of the peace before whom the said declaration is made, shall sign the entry of the birth as well as the registrar, and no register of births shall be given in evidence to prove the birth of any child wherein it shall appear that forty-two days have intervened between the day of the birth and the day of the registration of the birth of such child, unless the entry shall be signed by a justice of the peace, and every person who shall knowingly register or cause to be registered the birth of any child otherwise than as is hereinbefore last mentioned, after the expiration of forty-two days following the day of the birth of such child, shall forfeit and pay for every such offence a sum not exceeding twenty-five pounds.

Registrar not to register the birth after the expiration of six months. No register of births to be given when it shall appear that six months had elapsed before registering the birth.

IX. That after the expiration of six calendar months following the birth of any child it shall not be lawful for any registrar to register the birth of such child, and no register of births shall be given in evidence to prove the birth of any child wherein it shall appear that six calendar months have intervened between the day of the birth and the day of the registration of the birth of such child, and every person who shall knowingly register, or cause to be registered, the birth of any child after the expiration of six calendar months following the day of the birth of such child shall forfeit and pay for every such offence a sum not exceeding twenty-five pounds.

Baptismal name to be registered within thirty days.

X. That if any child born in this colony whose birth shall have been registered as aforesaid shall within six calendar months next after it shall have been so registered have any name given to it in baptism, the parent or guardian of such child, or other person procuring such name to be given, may within thirty days next after such baptism, procure and deliver to the registrar or other officer in whose custody the register of the birth of the child may then happen to be, a certificate according to the form of Schedule C. to this Act annexed, signed by the minister who shall have performed the rite of baptism, which certificate such minister is hereby required to deliver immediately after the baptism, whenever the same shall be then demanded; and the said registrar upon receipt of such certificate shall, without any erasure of the original entry, forthwith register therein that the child was baptized by such name.

Mode of registering deaths.

XI. That some person present at the death, or in attendance during the last illness of every person dying in this colony, after the said thirtieth day of June, or in case of the death, inability, illness, or default of all such persons, the occupier of the house or tenement, or if the occupier be the person who shall have died, some inmate of the house

or tenement in which such death shall have happened shall, within twenty-one days next after the date of such death, give information, upon being requested so to do, to the said registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person: Provided always, that in every case in which an inquest shall be held on any dead body the jury shall inquire of the particulars herein required to be registered concerning the death, and the coroner shall inform the registrar of the finding of the jury, and the registrar shall make the entry accordingly.

XII. That if any inhabitant of this colony shall die at sea on board of any vessel belonging to this colony, the master or chief officer of such vessel shall forthwith make a minute of the several particulars hereinbefore required to be minuted on the register of deaths touching such death, as far as the same may be known, and shall, on the arrival of such vessel at any port within these islands, give information of such death to the registrar of the district in which the port at which such vessel shall arrive is situated, and such registrar shall forthwith register such death accordingly.

Provision for registration of deaths at sea.

XIII. That every registrar shall, as soon as practicable after the last day of March, June, September, and December in every year, deliver or transmit by some safe conveyance to the office of the Public Secretary and Registrar of Records at Nassau all and every sheet and sheets of forms for the registry of births and deaths respectively, on which entries shall have been made by him under the authority of this Act, during the quarter ending on the said last day of the said months respectively, and it shall be the duty of the said Public Secretary and Registrar of Records in the month of January in every year, or as soon afterwards as he shall have received from the different registrars the several sheets of forms upon which entries of births and deaths have been made by them as aforesaid for the preceding year, to cause such sheets to be formed into books, to be styled respectively the Register of Births or Deaths, as the case may be, for the year one thousand eight hundred and fifty, or other year as the case may be, and all such books shall thereafter be kept as records in the office of the said Public Secretary and Registrar of Records, and shall be open to public inspection in the same and the like manner as other records in the said office are, and certified extracts therefrom shall be given by the Public Secretary when thereto required, in the same and the like manner, and upon the payment of similar fees, as in the case of other records.

Sheets of registers to be transmitted quarterly to office of Public Secretary and Registrar of Records at Nassau.

XIV. That all certified copies of entries in the said registers purporting to be signed by the Public Secretary and Registrar of Records for the colony shall be received in all Courts of law and equity within these islands, and by and before all and every other tribunal or authority within the same, as evidence of the birth or death to which the same relates, without any further or other proof of such entry.

Copies of registers certified by public secretary to be received in Courts of law and equity.

XV. That every registrar who shall refuse, or without reasonable cause omit to register any birth or death of which he shall have had due notice as aforesaid, and every person having the custody of any register book, or of any sheet of forms on which any entry of any birth or death shall have been made, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding fifty pounds for every such offence.

Penalty on registrar omitting duly to register any birth or death.

XVI. That every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such register book, or any part thereof, or any sheet of forms upon which any entry or entries shall have been made under the authority of this Act, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of such register

Penalty on injuring or destroying any registry.

book, or certified extract thereof, or any entry in such sheet of forms as aforesaid, or shall wilfully insert or cause to be inserted in any register book, or sheet of forms as aforesaid, any false entry of any birth or death, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register book, knowing the same register to be false in any part thereof, or shall forge or counterfeit the signature of any registrar of births and deaths, or of the Secretary and Registrar of Records or of any other person, to any entry or certificate by this Act authorised or required to be made or given, shall be guilty of felony, and on conviction shall suffer such punishment by imprisonment, with or without hard labour, for any time not exceeding three years, as the Court before whom the conviction shall take place, shall in its discretion impose.

Remuneration
to registrar.

XVII. That every registrar of births and deaths shall be entitled to have and receive out of the Public Treasury of these islands, as full remuneration for the duties performed by him under this Act, the sum of one shilling for each and every birth and death registered by him, upon the registry thereof being returned as aforesaid to the office of the Public Secretary and Registrar of Records as aforesaid, such remuneration to be paid to him by warrant of the Governor on the certificate of the Public Secretary and Registrar of Records that such registrar's quarterly returns have been by him received.

Certified copies
of registers by
ministers of
religion valid in
Courts of law.

XVIII. And whereas registers of births, baptisms, deaths, and burials have been duly made and kept by ministers of the Christian religion not belonging to the Church of England and Ireland, and it is expedient that they should be receivable in evidence in all Courts of justice in this Colony; Be it therefore enacted, that all such registers, and all copies thereof, respectively certified under the hand of the person for the time being having the lawful care of the same, to be true copies, shall be and the same are hereby declared to be good evidence of such births, baptisms, deaths, and burials as aforesaid respectively as fully as if such registers had been made and kept, and such certified copies had been made respectively by persons appointed by law to make and keep the same, and shall be received in evidence in all courts and before all judges and magistrates.

Meaning of the
word "Governor."

XIX. And be it enacted that the word "Governor" in this Act shall be construed to mean the person lawfully administering the Government of the colony for the time being.

Penalties, how
recovered.

XX. And be it enacted that all penalties imposed by this Act shall be recovered by action of debt at the suit of the Crown in the General Court of these islands.

SCHEDULES TO WHICH THIS ACT REFERS.

S 142.

A.

BIRTHS IN THE TOWN OF NASSAU, IN THE ISLAND OF NEW PROVIDENCE, DURING THE THREE MONTHS ENDING THE 30TH SEPTEMBER, 1850.

Margin to be left for Binding.	No.	When Born.	Name, if any.	Sex.	Name and Surname of Father.	Name and Maiden Surname of Mother.	Rank or Profession of Father.	When Registered.	Signature of Registrar.	Baptismal Name if added after Registration of Birth.
	1	2nd July.	John.	Boy.	Henry Martin.	Mary Martin, formerly Williams.	Labourer.	10th July.	John Cox, Registrar.	

B.

DEATHS IN THE TOWN OF NASSAU, IN THE ISLAND OF NEW PROVIDENCE, DURING THE THREE MONTHS ENDING THE 30TH SEPTEMBER, 1850.

Margin to be left for Binding.	No.	When Died.	Name and Surname.	Sex.	Age.	Rank or Profession.	Cause of Death.	When Registered.	Signature of Registrar.
	1	4th July.	John Thompson.	Male.	Sixty.	Mariner.		5th July.	John Cox.

The words and figures underlined to be filled in according to each particular case.

C.

I, Thomas Green, as the son of Thomas and Charlotte Green, and declared by the said Thomas Green to have been born at day of 18 . Witness my hand this day of 18 . , a male child, produced to me by on the

H H

No. 2.

15 Vic. c. 12. "*Appropriation Act*, 1852." (March 25th, 1852.)

Lawful for the Governor to authorise the re-copying of the registers of births, marriages, and deaths for the parish of Saint Matthew.

III. That it shall be lawful for the Governor, upon the passing of this Act, by Order in Council, to authorise the re-copying of the Registers of Births, Marriages, and Deaths, for the parish of Saint Matthew, and to grant his warrant or warrants on the Public Treasury for the purchase of the necessary books, and for defraying the expense of re-copying such registers; and, upon the completion of such work, it shall be lawful for the Governor, by Order in Council, to define the manner in which such new registers shall be authenticated; and upon such new registers being so authenticated they shall have the same force and legal effect as the books of original entry.

No. 3.

60 Vic. c. 3. *An Act to amend the Law regulating the Registration of Births and Deaths.* (Assented to 14th April, 1897.)

Title and commencement of Act.

I. This Act may be cited for all purposes as "The Registration of Births and Deaths Amendment Act, 1897," and shall come into operation on the first day of June, 1897.

Meaning of the words "principal Act."

II. Where the words "principal Act" are used in this Act they shall refer to and mean the Act of Assembly, 13 Victoria, chapter 7.

Penalty for refusing to give information to registrar of births and deaths.

III. On and after the coming into operation of this Act any person required by the principal Act to give information of the several particulars required to be known and registered touching the birth of any child, or the death of any person, born or dying within the colony, who, upon being requested by the Registrar of Births and Deaths of the district in which such birth or death has taken place, refuses to give information of the several particulars required to be known and registered touching the birth or death of any child or person shall be liable on proof of such refusal to a penalty not exceeding fifty shillings, or in default of payment thereof to imprisonment with or without hard labour for a period not exceeding twenty days.

Master of vessel failing to comply with provisions of Section XII. of principal Act liable to penalty.

IV. Any master or chief officer of any vessel belonging to this Colony failing to observe and comply with the provisions of the twelfth section of the principal Act shall, upon proof of such failure and non-compliance, be liable to a penalty not exceeding fifty shillings, or in default of payment thereof to imprisonment with or without hard labour for any period not exceeding twenty days.

Recovery of penalties.

V. All penalties imposed by this Act shall be recovered before any one of Her Majesty's Justices of the Peace, in the same and the like manner as other penalties imposed by law are directed to be recovered.

Construction of Act.

VI. This Act shall be read and construed as forming a part of the principal Act as if the provisions thereof were incorporated in such Act.

CLASS IV.

BURIALS AND BURIAL GROUNDS.

No. 1.

39 Geo. 3, c. 5. *An Act for authorising the Churchwardens and Vestry of Christ Church Parish for the time being to enclose the Western and Eastern Burying Grounds, in the Island of New Providence, and for empowering them to purchase a piece of Land contiguous to the Town of Nassau for a Burying Ground, and for prohibiting the interment of Dead Bodies within the Town of Nassau.* (A.D. 1798.)

(The only part of this Act that may be considered in force is that prohibiting the interment of dead bodies within the City of Nassau. The other clauses are exhausted. It has not been deemed necessary to print it *in extenso*.)

No. 2.

13 Vic. c. 5.

See Act, this Part, Class IX., No. 1.

No. 3.

19 Vic. c. 23. "*Appropriation Act, 1856.*"

IN this Act, among the grants to the vestry of the parish of St. Matthew is the following: "To pay for a piece of land adjoining the churchyard for a burial ground and enclosing the same, £25 0s. 0d."

The second section of the Act then enacts: That the piece of land in and by the first section of this Act authorised to be purchased by the vestry of the parish of Saint Matthew as a burial ground for the said parish shall be held by the said vestry in trust for the public, subject to the provisions of the Act of the General Assembly of the thirteenth year of Her Majesty's reign, chapter 5.

No. 4.

27 Vic. c. 37. *An Act to provide for the purchase of a Public Burial Ground, and for other purposes.* (Assented to 21st May, 1864.)

I. Repealed by 32 Vic. c. 20.

II. That it shall be lawful for the said Commissioners to negotiate with the owner or owners of any lot or lots of land, situated in the suburbs of the city of Nassau, suitable for a burial ground, for the purchase of the same, to be conveyed to the said Commissioners and their successors in office, in trust for the public, for the uses and purposes hereinafter mentioned.

Commissioners to negotiate for purchase of a burial ground.

III. That the conveyance of the said land shall be so framed as to authorise and enable the Bishop of the diocese to consecrate the ground as a burial ground: Provided that such consecration shall not be held to prevent the ceremonial use of the said ground from being exercised by, and vesting in, ministers of the various denominations of Christian ministers, and referred to in the Act of Assembly, 13 Vic. c. 5.

Burial ground to be consecrated by the Bishop.

IV. Repealed by 32 Vic. c. 20.

Commissioners to make rules.

Burial ground to be laid out in parcels, and to be sold to persons as a place of interment for the dead.

Applications for plots in burial ground to be recorded in a book to be kept for that purpose by the Commissioners.

Copy of conveyance to be furnished to each party obtaining a grant.

Every person obtaining a grant to have the right to erect a vault, &c., on the spot so granted.

Monies received for plots to be expended in beautifying, &c., burial ground.

Commissioners to lay before Legislature a report of proceedings under this Act.

V. That the said Commissioners shall have the power to make such rules as they may deem necessary for the regulation and order of the said burial ground, the same to be approved of by the Governor in Council before they shall have any effect.

VI. That the said Commissioners shall, and they are hereby empowered, to lay out the said grounds in parcels or plots, in such manner as they may deem necessary, with proper walks and avenues throughout the same, and to regulate and fix the price of the said parcels so laid out, and, upon application in writing from any person, to sell and convey to him, for the price fixed, one or more of such plots so laid out, to be used by such person as a place of interment for the dead.

VII. That the said Commissioners shall keep a book in which shall be recorded all applications for grants of plots of land in the said burial ground; and whenever any plot of land shall be granted, they shall cause a memorandum to be written under the said application, stating the fact of such grant, and designating the portion of land so granted, which, upon being signed by the said Commissioners and the party so applying, shall constitute a sufficient conveyance for the purposes of this Act, and shall thereupon vest in such person an estate of inheritance in fee simple on the plot so designated, limited nevertheless to the use thereof as a place of burial, and shall not be liable to be taken in execution under any legal process.

VIII. That a copy of the aforesaid conveyance shall be furnished to each of the parties who may obtain grants of portions of the ground as provided by the seventh section of this Act.

IX. That every person obtaining a grant of a plot of land as hereinbefore mentioned shall have the right and privilege to erect and build such vault or vaults, monument or monuments, on the spot so granted him, and otherwise to use the land for such burial purposes in such manner as he may think fit, and as may not be inconsistent with this Act or any rule or regulation established under it, and shall have also a right of entry on the said burial ground at all such proper and convenient time or times as may not as aforesaid be inconsistent with the rules and regulations to be by this Act established as aforesaid.

X. That all monies received by the said Commissioners by the sale of the plots of land as aforesaid shall be used, laid out, and expended by them in and towards beautifying and keeping in order the said burial grounds, and in paying any necessary expenses connected therewith.

XI. Repealed by 32 Vic. c. 20.

XII. That the said Commissioners shall, during the first meeting of the Legislature after the purchase of the said land, and from time to time thereafter, lay before the same a full and ample report of their proceedings under this Act.

No. 5.

29 Vic. c. 9. *An Act to prohibit the Interment of the Bodies of Deceased Persons otherwise than in places set apart as Parochial or other Public Burial Grounds, and for other purposes.* (Assented to 27th March, 1866.)

Illegal to inter in any other than public burial ground.

I. That it shall not be lawful to inter, or cause, or procure to be interred, the body of any deceased person in any place within any town or settlement, or the suburbs thereof, in which, or within two miles whereof, there is any parochial or other public burial ground, or any burial ground set apart by any religious society, or congregation, except in such parochial or other burial ground as aforesaid, under a penalty

of ten pounds, against each and every party offending, to be sued for and recovered before any one of Her Majesty's justices of the peace.

II. Whereas it may be necessary on sanitary grounds from time to time to prohibit the interment of bodies of deceased persons in particular burial grounds, or parts of burial grounds; Be it enacted, that it shall be lawful for the Governor, acting with the advice of the Executive Council, whenever occasion therefor shall arise by Order in Council, to prohibit the use of any particular burial ground, or part of a burial ground, as a place of interment; and every order so issued shall remain in force until the same shall be revoked by some subsequent order to be issued for the purpose; and every person who shall, during the continuance in force of any such order, inter, or cause, or procure to be interred, the body of any deceased person in any burial ground or part of a burial ground to which such order shall refer, shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

Orders in Council may be made prohibiting the interment of bodies of deceased persons in particular burial grounds.

III. It shall be the duty of every member of the police force or other constable, on becoming aware of any violation of the preceding enactments, to lay the necessary information against the person or persons offending: and all proceedings on any such information shall be subject to all and singular the same and the like incidents as other summary proceedings before justices of the peace are subject to.

Police or other constable to lay information.

IV. The second and third sections of 18 Vic. c. 15, shall be and the same are hereby repealed from and after the commencement of this Act.

Sections of 18 Vic. c. 15, repealed.

No. 6.

29 Vic. c. 21. *An Act to provide for the Enlargement of Potter's Field Burial Ground.* (Assented to 11th May, 1866.)

I., II., and III. Authorised the purchase by the Vestry of Christ Church of certain land lying to the westward and southward of Potter's Field Burial Ground, and regulated the mode in which it should be acquired and conveyed.

IV. All lands obtained under either of the preceding sections shall be used in the same manner and for the same purposes as are set forth in the first section of the Act of Assembly, 13 Vic. c. 5, as if the same had originally been and formed parts of the same.

Purposes for which lands shall be used.

V. The conveyance for all lands purchased or obtained as aforesaid shall be framed so as to authorise and enable the Bishop of the diocese to consecrate the same as a burial ground, provided that such consecration shall not be held to prevent the ceremonial use of the said land, or any part thereof, from being exercised by and vesting in the various denominations of Christians referred to in the Act of Assembly, 13 Vic. c. 5.

Bishop to consecrate burial ground.

VI. Repealed by 32 Vic. c. 20.

VII. The said vestry shall and they are hereby empowered to lay out the lands purchased or obtained under this Act in parcels or lots in such manner as they may think fit, with proper roads and walks through the same, and to sell and dispose of the fee simple in such parcels or lots so laid out, for the prices fixed by them, as a place for interment only; a plan of which parcels or lots shall be made by some competent person under the direction of the said vestry, and be kept by their clerk for reference by parties desirous of purchasing; and a duplicate copy shall be lodged as a record in the office of the Surveyor-General of the Colony.

Vestry to lay out lands and fix price for sale.

VIII. It shall be lawful for the owner of any such parcel or lot to inclose the same, and to build or erect thereon any vault, monument,

The land not to be used for any

other except
burial purposes.

Vestry to receive
and expend the
money arising
from sale of allot-
ments.

tomb, or other mural device without paying any fee to the said vestry : and the said parcel or lot shall not be used for any other purpose than a place for the burial of the dead, and shall not be liable to be taken in execution, and the owner thereof shall have a right of entry to the said burial ground at all such proper and convenient times as may not be inconsistent with the rules and regulations to be established by this Act.

IX. The monies which may be received by the said vestry for the sale of the parcels or lots of land aforesaid shall be used, laid out, and expended by them in and towards the beautifying and keeping in order the said burial ground, in repairing and rebuilding tombs or monuments which may be in a dilapidated condition, and in paying any necessary repairs or expenses connected therewith.

No. 7.

30 Vic. c. 14. *An Act to amend the Act for the Enlargement of Potter's Field Burial Ground.* (Assented to 13th May, 1867.)

PREAMBLE.

WHEREAS, in and by the Act 29 Vic. c. 21, for the enlargement of Potter's Field Burial Ground provision was made for taking in with other lands, which it was contemplated to purchase for the purposes of the Act, a parcel of land in the possession of the body of Wesleyan Methodists :

And whereas the parcel of land in question has, by mutual agreement between the vestry of the parish of Christ Church and the parties interested therein, been valued at £50, and difficulties arising out of the construction of the Act and the making of a strictly legal title have prevented the completion of the purchase ; For remedy thereof, may it, &c.

Vests the right
of the Wesleyan
burial ground in
Vestry of Christ
Church.

I. That upon the payment by the said vestry of the sum of fifty pounds to the Superintendent of the Wesleyan Missions resident in the colony for the time being, or the person discharging the duties of such office, the parcel of land mentioned and referred to in the third section of the Act to which this Act is an amendment, shall thereupon vest in the said vestry for the purposes of the said Act ; and all the estate, right, and interest therein of the Wesleyan body, and of all persons under or in right of whom the said Wesleyan body claim shall be and become barred and for ever excluded.

Authority for
payment.

II. That on the passing of this Act there shall be paid out of the Public Treasury to the vestry of the parish of Christ Church the sum of fifty pounds for the purpose hereinbefore set forth.

Provides for en-
closing the
burial ground.

III. That the said vestry shall, and they are hereby empowered to enclose with a stone wall the parcel of land above named, as also the other lands authorised to be purchased for the enlargement of Potter's Field, by the Act of Assembly, 29 Vic. c. 21, to which this Act is an amendment, and to erect iron gates and an iron fence, upon a dwarf wall on the eastern boundary of the entire burial ground, the cost of which enclosure and iron fence shall be paid out of the Public Treasury by warrant of his Excellency the Governor.

No. 8.

32 Vic. c. 20. *An Act to amend the Laws relating to Public Burial Grounds.* (Assented to 14th April, 1869.)

Burial grounds
to be under the

I. That the several burial grounds in the Island of New Providence which are now under the charge of the respective vestries of the parishes

of Christ Church, St. Matthew, or St. Anne, and which come within the provisions of the Act of Assembly, 13 Vic. c. 5, whether purchased before or after the passing of such Act; as also the burial grounds respectively acquired under the provisions of the Acts 27 Vic. c. 37, 29 Vic. c. 21, and 30 Vic. c. 14, shall, from and after the passing of this Act, be under the charge of the Board of Public Works for the Island of New Providence, and the freehold right thereto shall vest in the said Board as provided for with respect to other public lands by the 28 Vic. c. 13, subject nevertheless to the provisions of the several just before mentioned Acts regulating the ceremonial use of such burial grounds.

charge of the
Board of Works.

II. That the several public burial grounds on the out-islands shall vest in and be under the charge of the Board of Works for the respective islands or districts in which such burial grounds are situated.

Out-island burial
grounds.

III. That the said Board of Public Works for the Island of New Providence, and other Boards within their respective districts, shall have full power and authority to make rules and regulations for the care and management of the burial grounds under their charge—for defining the manner in which admission shall be obtained to such burial grounds, and for regulating the making of graves and the erection of vaults and tombs therein; and the said Boards shall be invested with all and singular the same powers and authorities which are now by law vested in vestries or other Commissioners in respect of and over the several burial grounds aforesaid, and shall also have further and full power and authority to impose fees on burials and fees on the erection of tombs and vaults and to receive and enforce the recovery of such fees.

Board of Works
in New Providence and out-islands to make rules for the management of burial grounds and the erection of vaults and tombs therein.

IV. That all fees received by the said Boards under the authority of this or any of the other Acts of Assembly hereinbefore referred to shall be applied towards the maintenance and improvement of the particular burial ground in respect of which they were received.

How fees received are to be disposed of.

V. That the 2nd, 3rd, 4th, 5th, 6th, and 7th Sections of the 13 Vic. c. 5; the 1st, 4th, and 11th Sections 27 Vic. c. 37; and the 6th Section of the 29 Vic. c. 21, as also so much of the remainder of the said Act and of the Act 30 Vic. c. 14, as vests in the vestry of the parish of Christ Church any power or authority in respect of and over the burial grounds in these Acts referred to, shall be and the same are hereby repealed.

Repealing clause.

No. 9.

41 Vic. c. 11. *An Act to authorise the sale of certain Lands in the Eastern District of the Island of New Providence, which were purchased under the authority of the Act passed in the 27th year of Her Majesty's reign, entitled "An Act to provide for the purchase of a Public Burial Ground, and for other purposes."* (Assented to 14th March, 1878.)

I. The said Board of Public Works shall have full power and authority, having first obtained the sanction of the Governor in Council therefor, at any time after the passing of this Act to cause the said land, or any part or parcel thereof, to be sold and disposed of either by public auction or by private contract as they shall deem best; and upon a sale or sales being effected it shall be lawful for the said Board from time to time, by deed of release duly executed, to grant and convey the said land or such part or parts thereof in fee simple to such person or persons as may become the purchaser or purchasers thereof; and upon any such release being made by the said board under the authority of this Act, the fee simple in the land so conveyed shall vest in the person

Authority to sell
certain lands.

Proceeds to be
be paid into
Public Treasury.

Her Majesty's
rights.

or persons to whom the same shall be conveyed for ever, freed and discharged from any trust, charge, or incumbrance created in respect of the said land by the said recited Act.

II. The proceeds of any such sale as aforesaid shall be paid into the Public Treasury, and shall be applied by the Receiver-General and Treasurer towards liquidating and paying off the existing public debt, in such manner as may be decided by the Governor in Council.

III. Nothing in this Act contained shall extend or be considered to extend in anywise to impeach or affect the right, title, interest, claim or demand of Her Majesty, Her heirs or successors of, in, or to the said land or any part thereof.

No. 10.

55 Vic. c. 9. *An Act to amend the Law regulating the Depth of Graves.*
(Assented to 8th April, 1892.)

Depth of graves
regulated.

Penalty.

Mode of prosecution.

Disposition of
penalties.

Repeals.

I. From and after the passing of this Act it shall not be lawful to or for any sexton, undertaker, grave-digger, or other person whatever, to inter, or cause to be interred, any corpse or dead body within any island of the Colony in any grave which shall be less than four feet in depth below the level or surface of the ground under a penalty of ten pounds for every offence, and in default of payment thereof every offender shall be liable to be imprisoned for any period not exceeding three months with hard labour.

II. All offences under this Act may be prosecuted, and penalties and forfeitures recovered in the manner provided by "The Summary Jurisdiction Acts."

III. All monies recovered under this Act shall be divided, and one-half thereof paid into the Public Treasury in aid of the General Revenue, and the other half to the person who shall give information leading to the conviction of the offender.

IV. The following Acts are hereby repealed :

44 George 3, chapter 14.

18 Victoria, chapter 15.

28 Victoria, chapter 15.

No. 11.

58 Vic. c. 28. *An Act to amend the Laws relating to Public Burial Grounds.* (Assented to 7th June, 1895.)

Commissioners
of Public Works
invested with
power to lay out
public burial
grounds in
parcels to be sold
as a place of
interment.

A plan of the
parcels to be
made and kept
in the office of
resident or assis-
tant-resident
justice and a
duplicate copy
lodged with
surveyor-general.

I. The Commissioners of Public Works for the various out-land districts of the Colony are hereby respectively invested with the following powers :

(a.) To lay out the public burial grounds in their districts in parcels or lots in such manner as they may think fit with proper roads and walks through the same, and to sell and dispose of the fee simple in such parcels or lots so laid out for the prices fixed by them as a place of interment only, a plan of which parcels or lots shall be made by some competent person under the direction of the said Commissioners, and be kept in the office of the Resident Justice or Assistant Resident Justice of the district for reference by parties desirous of purchasing, and a duplicate copy shall be lodged as a record in the office of the Surveyor-General of the Colony.

II. It shall be lawful for the owner of any such parcel or lot to inclose the same, and to build or erect thereon any vault, monument, tomb, or other mural device without paying any fee to the said Commissioners of Public Works; and the said parcel or lot shall not be used for any other purpose than a place for the burial of the dead, and shall not be liable to be taken in execution, and the owner thereof shall have a right of entry to the said burial ground at all such proper and convenient times as may not be inconsistent with the rules and regulations to be established by this Act.

Owners of parcels may build or erect thereon vaults, monuments, &c.

Lots not liable to be taken in execution.

III. The monies which may be received by the said Commissioners of Public Works for the sale of the parcels or lots of land aforesaid shall be used, laid out, and expended by them in and towards the beautifying and keeping in order the said burial ground, in repairing and rebuilding tombs or monuments which may be in a dilapidated condition, and in paying any necessary repairs or expenses connected therewith.

Monies received for parcels to be expended in beautifying, &c., burial ground.

CLASS V.

POPULAR EDUCATION.

No. 1.

46 Vic. c. 3. *An Act to authorise the appointment of George Cole, at present the Master of the Boys' Central School in the Island of New Providence, to the office of Secretary to the Board of Education.* (Assented to 12th August, 1882.)

I. On the passing of this Act it shall be lawful for the Governor, upon the recommendation of the Board of Education (who are hereby authorised to make such recommendation), to appoint George Cole, at present the Master of the Boys' Central School in the Island of New Providence, to be Secretary to the said Board, anything contained in "The Education Act, 1875," to the contrary notwithstanding.

Authorises Governor to appoint and Board to recommend a secretary.

II. Upon such appointment being made the said George Cole shall be invested with all the powers and authorities conferred upon the Secretary to the said Board by "The Education Act, 1875," and be liable to perform the duties appertaining to such office, in the same and the like manner as if he had been appointed under such Act; and shall be entitled to receive the salary now by law attached to that office.

Invests appointee with powers conferred by Education Act.

III. During the time the said George Cole shall hold the office of Secretary to the Board of Education so much of the fifth section of "The Education Act, 1875," as requires that the Secretary to the said Board shall be selected from any number of trained teachers at the Borough Road School in England shall be suspended.

Suspends part of 5th clause of Education Act.

No. 2.

49 Vic. c. 16. *An Act to consolidate and amend the Laws relating to Popular Education.* (Assented to 26th May, 1886.)

WHEREAS the laws relating to popular education are shortly about to expire, and it is expedient that the same should be consolidated and amended; May it, &c.

PREAMBLE.

Education
Board.

I. The Educational Department of the Colony shall be under the control of a Board of Education to consist of twelve members exclusive of His Excellency the Governor, of which members only eight shall be members of the Legislature.

II. and III. Repealed by 52 Vic. c. 19.

Board em-
powered to make
bye-laws.

IV. The Board, subject to the provisions of this Act, may make, alter, or repeal bye-laws for the organization, discipline, and management of the Department of Education and of the officers thereof, and for fixing the salaries and prescribing the qualifications and attainments and for the appointment of teachers and assistant teachers, and for determining the manner, condition, and rules of their admission to, and their removal from, service in the said department, for fixing the periods of vacation and holidays, and for prescribing the subjects to be taught, and the books and materials to be used in all Government schools, and generally for carrying this Act into execution consistently with the true intent thereof, in all matters whatsoever, whether of the same nature as those hereinbefore specified or not; such bye-laws, when approved by the Governor in Council, shall be published in the official newspapers, and thereupon shall have the effect of law.

Vested rights of
present officers.

V. The present office-bearers in the Educational Department shall continue to hold their respective offices and to perform their respective duties as if appointed under this Act, subject in all respects to the control of the said Board and of His Excellency the Governor as heretofore.

Appointments.

VI. All appointments to any office or place in the said Department shall vest in His Excellency the Governor on the recommendation of the Board.

Salary of in-
spectors.

VII. The present Inspector of Schools shall, during his term of office, receive from the Public Treasury of these Islands the sum of £200 a year.

Vacancy in the
office of in-
spectors.

VIII. Upon any vacancy occurring in the office of Inspector of Schools, a trained teacher at the Borough Road School, under the jurisdiction of the British and Foreign School Society in England, shall be appointed at a salary of £200 a year, to be paid out of the Public Treasury of these Islands.

Duties of in-
spectors.

IX. It shall be the duty of the Inspector of Schools to visit and inspect every school in the Educational Department once at least in every year, and he shall also perform such other duties in the said Department as may be prescribed and appointed by the said Board.

Travelling allow-
ance to inspectors.

X. The Board shall determine from time to time the travelling allowance to be made to the Inspector for visiting the various Public Schools on the Out-Islands of the Colony.

XI. Repealed by 55 Vic. c. 15.

Complaints of
charges, how
dealt with.

XII. All complaints or charges of whatsoever nature made against any teacher shall be investigated by the Board, which, upon arriving at a decision, shall submit the papers and evidence in the case, together with the decision arrived at, to His Excellency the Governor, with a recommendation that such teacher be dismissed if in the opinion of the Board the offence justifies such a punishment.

Publicity of pro-
ceedings.

XIII. The proceedings of the said Board shall be open to public inspection in such way as the Board may regulate.

Books used.

XIV. That the Holy Bible and such other religious and secular works as the said Board may direct shall be the only books or lessons, as the case may be, permitted to be read in any of the schools as afore-said; and that no catechism or sectarian work on the subject of religion shall be permitted to be used in any public school.

School fees
abolished.

XV. From and after the passing of this Act it shall not be lawful for any teacher or other person to demand or receive any school fees because of the attendance of children at the Public Schools of the Colony, and all such fees hitherto payable are hereby abolished.

XVI. It shall be the duty of the Board, as soon as practicable after the passing of this Act, to make provision for the reimbursement to the teachers of all losses sustained by them because of the abolition of the said fees.

Reimbursement
to teachers.

XVII. All ministers of religion, all members of Council and of the Legislature, and all persons nominated for the purpose by the Governor, shall be visitors of the said schools, and are respectively empowered to correspond with the said Board, and communicate any suggestions or complaints to the said Board direct.

Visitors.

XVIII. It shall be lawful to organise Local School Committees in any district where a Public School may be established, such Local Committees to consist of not more than five members, the majority of whom shall be appointed annually by the Governor, and the minority of whom shall be elected by the parents or guardians of the children attending the Public School in such district.

School com-
mittees.

(I.) The division of the Colony into School Districts, the method of conducting the election of elective members of Local School Committees, and the powers of supervision to be exercised within their respective districts by such Local Committees, to be prescribed by bye-laws to be framed from time to time by the Board.

XIX. All buildings, books, stores, and other materials which for the time being are vested in the present Education Board shall, during the continuance of this Act, vest in the Education Board appointed under the authority hereof.

Transfer of
buildings.

XX. Nothing in this Act contained shall be construed to authorise the Board of Education established hereunder to interfere with any schools which have been or may be supported by means of voluntary subscription, or of funds derived from any Parliamentary or specific colonial grant, except such interference is rendered necessary by the provisions relating to the compulsory attendance of children at school.

No jurisdiction
over private
schools.

XXI. The Board of Education shall, in the month of January in each and every year, prepare and submit to the Governor in Council a report upon the progress and condition of popular education during the previous year, and such report shall be laid before the Legislature as soon as practicable thereafter.

Annual report.

XXII. It shall be lawful for the Governor to appoint to any other office of profit or emolument the persons who may now or hereafter hold the office of Inspector of Schools, or Teachers to the Boys' Central School, in the Island of New Providence.

Officers inelig-
ible for other
appointments.

XXIII. No officer appointed, or who shall hold office under this Act, shall be eligible to be elected or to serve as a member of the House of Assembly.

Officers inelig-
ible for Assembly.

XXIV. The Board of Education may from time to time make bye-laws for all or any of the following purposes :—

Board to make
bye-laws for
compulsory
attendance of
children at
school.

(I.) Requiring the parents of children of such age, not less than six years nor more than thirteen years as may be fixed by the bye-laws, to cause such children (unless there is some reasonable excuse) to attend school.

(II.) Determining the time at which children are so to attend school, provided that no such bye-law shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parents belong.

(III.) Imposing penalties for breach of any bye-law.

(IV.) Revoking or altering any bye-law previously made.

XXV. Any bye-law under the previous section requiring a child between ten and thirteen years of age to attend school, shall provide for

Exemptions from
attendance.

the total or partial exemption of such child from the obligation to attend school if the Inspector of Schools certifies that such child has reached a standard of education specified in such bye-law.

XXVI. Any of the following reasons shall be a reasonable excuse, namely :—

- (i.) That the child is under efficient instruction in some other manner.
- (ii.) That the child has been prevented from attending school by sickness or any unavoidable cause.
- (iii.) That there is no Public School open which the child can attend within such distance, not exceeding one mile and a half, measured according to the nearest road from the residence of such child, as the bye-laws may prescribe.

Enforcement of
bye-laws.

XXVII. Any proceeding under this Act to enforce any bye-law may be taken, and any penalty for the breach of any bye-law may be recovered in a summary manner before the Police Magistrate, or Resident or Assistant Resident Justice; but no penalty imposed for the breach of any bye-law shall exceed such amount as with the costs will amount to five shillings for each offence.

Offences.

XXVIII. In any proceeding for offences and penalties under a bye-law the following provisions shall have effect :—

- (i.) The description of the offence in the words of the bye-law, or as near thereto as may be, shall be sufficient in law.
- (ii.) In any proceeding for an offence under a bye-law the Court may, instead of inflicting a penalty, make an order directing that the child shall attend school, and that if he fail so to do the person on whom such order is made shall pay a penalty not exceeding the penalty to which he is liable for failing to comply with the bye-law.
- (iii.) Any Justice of the Peace may require by summons any parent or employer of a child required by a bye-law to attend school to produce the child before the Police Magistrate, or a Resident or Assistant Resident Justice; and any person failing, without reasonable excuse to the satisfaction of the Court, to comply with such summons, shall be liable to a penalty not exceeding twenty shillings.
- (iv.) A Certificate, purporting to be under the hand of the principal teacher of a Public School, stating that a child is not attending such school, or stating the particulars of the attendance of a child at such school, or stating that a child has been certified by the Inspector of Schools to have reached a particular standard of education, shall be evidence of the facts stated in such Certificate.
- (v.) Where a child is apparently of the age alleged for the purposes of the proceedings, it shall lie on the defendant to prove that the child is not of such age.
- (vi.) If a child is attending a school which is not a Public School, it shall lie on the defendant to show that the school is regularly conducted as an Elementary Day School, and, if required by the Court, to produce a Certificate from the teacher of such Elementary Day School that the child is in regular attendance thereat.

Forged certifi-
cates.

XXIX. Every person who forges or counterfeits any certificate which by this Act is made evidence of any matter, or gives, or signs any such certificate which to his knowledge is false in any material particular, or knowing any such certificate to be forged, counterfeit, or false, makes use thereof, shall be liable, on conviction before the Police Magistrate,

or a Resident or Assistant Resident Justice, to imprisonment for a period not exceeding three months with or without hard labour.*

XXX. All bye-laws of the Board at present existing shall continue in force as if made under the authority of this Act, save and except such as relate to the payment of school fees and the recovery thereof.

Existing bye-laws continued in force.

XXXI. In order effectually to carry out the provisions of this Act relating to the compulsory attendance of children at school it shall be lawful for the Governor to appoint a fit and proper person as Constable of the Board, at a salary of fifty pounds a year, to be paid out of the Public Treasury, which person shall wear the uniform of a Police Constable, to be provided at the expense of the Colony, and shall be subject to the same discipline and control as that under which the Police Force is established, but who shall be specially set apart by the Inspector of Police to perform such duties, and no other, as may from time to time be defined by the Board, by any bye-law made by them upon the subject of the compulsory attendance of children at school; and any person so appointed shall have all the powers, authorities, privileges, and protection that Constables have at Common Law, or under any Statute or Act of Assembly now or hereafter to be in force within the Colony.

Constable of the Board.

XXXII. In all cases of summary conviction under this Act, the party convicted shall have the right to appeal to the General Court, according to the provisions of the Act passed in the tenth year of Her Majesty's reign, chapter eleven.

Right of appeal.

XXXIII. and XXXIV. Repealed by 52 Vic. c. 19.

XXXV. All persons now in the employ of the Board, and entitled to contribute to the Widows' and Orphans' Fund shall continue to be entitled to contribute to the said Fund, and to have a right to all benefits under the law relating thereto; and all such persons who are entitled to the benefits of the Superannuation Act, 25 Vic. c. 20, shall continue to have the same and the like right as heretofore.

Preserves right to officers of Board to contribute to Widows' and Orphans' Fund, and benefits of Superannuation Act.

XXXVI. From and after the passing of this Act, all Acts or parts of Acts of Assembly now in force relating to popular education within the Colony and providing grants in aid thereof shall be repealed.

XXXVII. This Act shall continue in force for and during the period of ten years, and from thence to the end of the then next Session of Assembly, and shall be cited for all purposes as "The Education Act, 1886."†

Duration and title.

No. 3.

51 Vic. c. 17. *An Act to amend "The Education Act, 1886," and to increase the Annual Grant for educational purposes.* (Assented to 12th April, 1888.)

I. In the twenty-seventh, twenty-eighth, and twenty-ninth sections of "The Education Act, 1886," the words "Police Magistrate" shall be held to mean "Stipendiary and Circuit Magistrate"; and after the word "Justice" in the fourth line of the said twenty-seventh section, the seventeenth line of the said twenty-eighth section, and the seventh line of the said twenty-ninth section, the words "or a Justice of the Peace" shall be inserted and read as if the same had been inserted therein, at the time of the passing of the said "Education Act, 1886."

Words "Police Magistrate" to mean "Stipendiary and Circuit Magistrate," and words "Justice of the Peace" inserted after the word "Justice."

II. Repealed by 52 Vic. c. 19.

* Secs. 27, 28, and 29 amended by 51 Vic. c. 17, *post*, No. 3 of this Class.

† Continued in force by 60 Vic. c. 27.

No. 4.

52 Vic. c. 19. *An Act to amend "The Education Act, 1886."*
(Assented to 20th May, 1889.)

Repeals.

I. The Act of Assembly, 47 Victoria, chapter 15, sections two, three, thirty-three, and thirty-four of "The Education Act, 1886," and the second section of 51 Victoria, chapter 17, are hereby repealed.

President.

II. His Excellency the Governor shall be styled President of the Board.

Appointment of members.

III. The Members of the Board shall be annually appointed and all vacancies in the Board filled up, as they may from time to time occur, by his Excellency the Governor.

Chairman.

IV. The Governor shall appoint one of such members to act as Chairman of the Board who shall take the chair at all meetings of the Board in the absence of the Governor.

Power and authority of chairman.

V. Such Chairman shall have the power and authority exercised by the Chairman of any of the Public Boards of the colony in the general superintendence and control of all matters connected with the Educational Department of the colony, in directing the payment of the monies of the said Board, and otherwise as may be deemed necessary by him.

Quorum.

VI. Five of the members of the Board shall form a quorum, and the Governor shall preside at all of its meetings at which he shall be present; in his absence, and in the absence of the Chairman, the senior member of the Board in the order of appointment shall take the chair.

Monies of the Board may be kept in Bank of Nassau.

VII. It shall be lawful for the Governor at any time after the passing of this Act to permit the monies of the Board of Education to be kept in account with the Bank of Nassau, to be drawn therefrom by cheques signed by the Secretary and countersigned by the Chairman of the Board for the time being.

Annual grant.

VIII. There shall be allowed and paid annually to the Board of Education for educational purposes, exclusive of the salaries of the Inspector of Schools and Constable to the Board, out of the Public Treasury of these islands, by warrant in the usual manner, the sum of three thousand five hundred pounds.

No. 5:

54 Vic. c. 10. *An Act authorising the Grant of a further Sum of Money towards educational purposes.* (Assented to 5th June, 1891.)

Additional grant of £1,000 per annum to Board of Education.

I. In addition to the sums now paid to the Board of Education by law there shall be paid annually out of the Public Treasury by warrant in the usual manner to the said Board for educational purposes within the Colony the sum of one thousand pounds.

No. 6.

55 Vic. c. 15. *An Act to amend "The Education Act, 1886."*
(Assented to 8th April, 1892.)

Repeal.

I. The eleventh section of "The Education Act, 1886," is hereby repealed.

II The following shall hereafter be read as the eleventh section of that Act:—

Appointment of teachers.

XI. It shall be lawful for the Governor, on the recommendation of the Board of Education, to appoint from time to time teachers for

the schools under the jurisdiction of the Board, and the Board shall have power, after the appointment of any such teacher by the Governor, to place such teacher in charge of any school under its jurisdiction, and to transfer or remove him or her from time to time from such school to any other school under the control of the said Board.

No. 7:

60 *Vic. c. 27. An Act to continue in force certain Acts of Assembly which will expire with the present session. (Assented to 20th May, 1897.)*

I. Gives title of Act.

II. Continues in force "The Education Act, 1886," for ten years with the following proviso and section :—

Provided, however, that in reading hereafter "The Education Act, 1886," the word "twelve" in the twenty-fourth and twenty-fifth sections thereof shall be omitted and the word "thirteen" inserted therein and read in lieu thereof.

Proviso.

Amends
"Education Act,
1886."

III. The Constable of the Board of Education shall have authority to enter any yard between the hours of eight of the clock in the morning and five of the clock in the evening of any day except Sunday, and there make inquiries of any person occupying any house in such yard as to any child who may there reside or be employed; and every person who shall hinder or obstruct such Constable in the performance of his duty, or who shall wilfully make any false representations to him with respect to the age or employment of any child, whether such child shall be under the age of six years or not, or who shall wilfully refuse to afford to such Constable reasonably requiring the same any information of which such person shall be possessed as to the age or employment of any child, whether such child shall be under the age of six years or not, shall be guilty of an offence punishable on summary conviction, and on conviction shall be liable to a penalty not exceeding twenty shillings.

Power of Constable of Board of Education.

Penalty.

No. 8.

62 *Vic. c. 17. An Act vesting in the Board of Education of the Colony all Public Lands and Hereditaments used for educational purposes; giving certain powers to the said Board, and for other purposes. (Assented to 20th April, 1899.)*

WHEREAS it is deemed necessary to amend the existing law relating to the holding of public property so as to vest in the Board of Education of the Colony the lands and hereditaments used for educational purposes, and to give power to the said Board to acquire property when necessary, and to dispose of any parts thereof when deemed advisable or necessary so to do; May it, &c.

PREAMBLE.

I. This Act shall be cited as "The Vesting of Lands Education Act, 1899," and shall be read with the Act of Assembly, 42 Victoria, chapter 16.

Title.

II. From and after the passing of this Act the several parcels of land situated within any part of the Bahama Islands and now used by the Board of Education of the Colony for the purposes of popular education and which, having been acquired by the said Board for such purposes, are now vested in and held by the Board of Public Works for the

Vests in the Board of Education certain lands and hereditaments.

Power given
to the Board
to purchase
and to sell
property and
to prosecute
actions.

Designation of
Board.

Execution of
deeds of con-
veyance.

Island of New Providence and the Commissioners of Public Works on the various out-islands of the Colony under and by virtue of the Act of Assembly, 37 Victoria, chapter 19, shall become vested in the said Board of Education, anything in the said Act of Assembly, 37 Victoria, chapter 19, to the contrary notwithstanding.

III. The said Board shall have power to purchase or acquire any lands, buildings, or premises that may be required for educational purposes, and to sell, exchange, or otherwise deal with such lands, buildings, and premises thus vested in them as aforesaid, and to prosecute and maintain any action or other proceeding in law or in equity in relation thereto, and such action or proceeding shall be prosecuted or maintained in the name of the Secretary of the Board for the time being.

IV. In all contracts, conveyances, leases, or other deeds or instruments whatsoever relating to such premises as aforesaid, whereunto the said Board shall be a party it shall be sufficient to describe or designate the said Board by the style or title of "The Board of Education" without naming the members thereof or any or either of them. And where the said Board shall be the party conveying or dealing with any lands or premises the deed for that purpose signed by the Chairman and two members of the said Board shall be deemed a sufficient execution thereof.

CLASS VI.

MAINTENANCE AND CARE OF THE POOR.

No. 1.

8 Vic. c. 45. *An Act to amend an Act for the Regulation of the Poors' House Establishment in the Island of New Providence, and for making Provision for the Relief of the Aged and Infirm Poor on certain Out-islands of this Government.* (May 14th, 1845.)

Governor may
make alteration
in regard to the
management of
and redistribu-
tion of the
salaries of the
officers of the
poors' establish-
ment.

THAT on and from and after the period hereinafter mentioned for the commencement of this Act, it shall be lawful for the Governor in Council to carry into effect any alterations or changes in respect to the management and internal arrangements of the said poors' house which he may deem needful, as well in respect to the persons employed on or in connection with the said establishment as in the duties required to be performed by the said persons, and to make any different distribution of the salaries now by law authorised to be paid to the said persons which he may consider expedient for securing greater efficiency in the respective offices, and the more careful application of the monies appropriated for the support of the said establishment; and it shall also be lawful for the Governor in Council, out of any monies hereby placed at his disposal for the service of the said poors' house, to make fair and reasonable compensation to any person or persons whom he may consider entitled to the same by reason of any loss or injury sustained by him or them in consequence of any change or alteration made under the authority of this Act.

Compensation,

Board of Com-
missioners.

II. That the said poors' house establishment shall be governed by a Board of Commissioners consisting of three persons, to be annually appointed by the Governor or person administering the Government of the colony for the time being, who are hereby invested with all powers

and authorities given to the Commissioners of the poor's house establishment, by the Act to which this Act is an amendment, and by this Act.

III. That the said Board of Commissioners shall have full power and authority to make all necessary alterations in the rules and regulations which have been, or shall from time to time hereafter be established for the Government of the said poor's house, and in their discretion to suspend any of such rules, and others to substitute for the same, and every such new or amended rules and regulations on being confirmed by the Governor, as is required by the Act to which this Act is auxiliary, shall be made known for the guidance, and be obligatory on all persons concerned.

Powers of Commissioners.

IV. Repealed by 26 Vic. c. 15.

V. That it shall be lawful for the said Commissioners, *and also for the churchwardens of the parishes of Saint Thomas and Saint John* to put out to service all children left destitute, or whose parent or parents may be supported at the public expense, or to apprentice under indenture any such children to any person or persons residing in the colony, and carrying on therein any useful trade or calling, for such period of time as they may deem fit and proper, until the children so put out to service or apprenticed shall have attained in the case of girls, eighteen years of age, and in that of boys, twenty-one years.*

Destitute children may be put out to service, or as apprentice to learn a trade.

VI. That the said Commissioners shall be a central board for the administration of all matters connected with the support of the aged and infirm poor on the several out-islands and districts of this Government, and the extending relief to the indigent under the circumstances of general or individual distress, and shall have and exercise control over all public monies granted or authorised to be applied, or which shall hereafter be granted or set apart for the support or relief of the poor throughout the colony; and it shall be their duty to examine the periodical returns or reports hereinafter required to be transmitted to them from the said out-islands and districts, and to decide on the nature and amount of the relief required, and the persons to whom the same is to be extended, and to take all necessary measures for, and issue all needful instructions in relation to the support of the aged and infirm poor, and relief of temporary distress amongst the able-bodied: Provided, however, that in the exercise of the powers and authority herein granted to the said Board, the acts and proceedings thereof shall be at all times open to the supervision of the Governor, and subject to his confirmation or disallowance.

Central board.

VII. That the stipendiary and other justices of the peace on the out-islands of this Government, where there are not parochial officers charged with the care and superintendence of the poor, shall be *ex officio* guardians of the poor in their respective districts, and it shall be a part of their duty, as such justices, to report quarterly to the Commissioners in Nassau the number and condition of the poor in their districts, accompanied by estimates of the supplies necessary for their support during the ensuing three months; which reports and estimates shall be in the form which the said Commissioners shall prescribe, and they shall, with the assistance of the stipendiary and other constables of the said districts, make all needful arrangements for the safe keeping and just and careful distribution of all supplies which shall be furnished by the Board in Nassau, at such time and in such quantities as the said Board shall direct, and in the absence of any such provision for the aged and infirm poor, or to meet other cases of severe distress, it shall be lawful for the said justices to adopt such means as may be within their

Justices on the out-islands *ex officio* guardians of the poor.

* So much of this section as grants powers to the Churchwardens of the Parish of St. John is repealed by 12th sec. 32 Vic. c. 27.

power, for providing temporary relief, until the circumstances can be reported to the said Board of Commissioners, and their instructions be received in respect thereto.

VIII., IX., X., and XI. Temporary clauses which have ceased to be operative.

No. 2.

25 Vic. c. 11. *An Act to amend the Laws regulating the Establishment in the Island of New Providence, known as the Asylum.* (Assented to 29th April, 1862.)

Designation of
asylum.

I. That from and after the passing of this Act the said establishment shall for all purposes be called, designated, and known as the New Providence Asylum, anything in the said Acts contained to the contrary notwithstanding.

Commissioners
of New Provi-
dence Asylum to
have sole charge
of the buildings
belonging, or
attached to the
same.

II. That the Commissioners for the time being of the said establishment shall, in addition to the powers given to them by the recited Acts, have the sole charge, care, and superintendence of the several buildings belonging or attached to the said establishment, and shall be and are hereby invested with the right of superintending, carrying on, and completing all works at the said establishment which may have already been or may hereafter be authorised to be built, erected, or performed thereat; and all monies which have already been granted for the performance of any works in connection with the said establishment, and which at the time of the passing of this Act may remain unexpended, shall be paid over to the said Commissioners, to be appropriated as directed in the particular Acts by which such monies were granted.

Duty of civil
engineer of the
colony.

III. That it shall be the duty of the Civil Engineer of the colony, whenever requested by the said Commissioners, to prepare plans and estimates for any works which the Commissioners may desire to have performed at the said establishment: Provided always, that it shall not be lawful for the said Commissioners to commence any works in connection with the said establishment until the sanction of the Legislature for the performance of the particular works shall have been first obtained.

Proviso.

No. 3.

27 Vic. c. 29. *An Act for fixing the Salary of Physician to the New Providence Asylum, and for other purposes.* (Assented to 21st May, 1864.)

I. Repealed by 32 Vic. c. 12.

Commissioners
to fix fees for
persons not being
paupers.

II. That it be lawful for the Commissioners of the said Asylum to fix and establish fees to be payable by or for persons not being paupers who may be admitted into the Asylum for the purpose of being medically treated by the physician of the establishment, all which fees shall be collected by, and may be sued for and recovered in, the name of the Superintendent of the establishment, and shall be applied by the Commissioners in aid of the support of the said establishment, and shall be accounted for by them annually to the Legislature.

Fees to be
applied in aid of
the support of
asylum.

III., IV., and V. Repealed by "Repealing Act, 1899."

No. 4.

32 Vic. c. 18. *An Act to amend the Laws regulating the maintenance of the Poor.* (Assented to 14th April, 1869.)

I. That the stipendiary resident justices and assistant resident justices, with the other local justices of the peace at the various out-lands of the Government, shall, within their respective districts, be *ex officio* guardians of the poor, subject nevertheless to the superintendence and control of the Commissioners of the Asylum, as provided for by the 7th section of the 8 Vic. cap. 45.

Justices of the peace to be guardians of the poor.

II. That so much of any Act or Acts of Assembly as vests in vestries the superintendence of the poor within their respective parishes, or as recognises the existence of any such power on the part of the vestries, shall be and the same are hereby repealed.

Vestries not to be guardians of poor.

No. 5.

38 Vic. c. 12. *An Act to consolidate the Laws relating to the Public Dispensary.* (Assented to 17th March, 1875.)

WHEREAS the Act of the last session of Assembly by which the laws relating to the Public Dispensary were consolidated and amended and the sale of medicines and drugs was regulated will expire on the twenty-fifth day of April of the present year, and it is expedient to re-enact in a separate measure those portions of the said Act which relate to the Public Dispensary; May it, &c.

PREAMBLE.

I. That the Public Dispensary which is now kept and maintained at the Asylum, in the Island of New Providence, shall continue to be so kept and maintained as a part and branch of the said Asylum, and shall be under the charge of the superintendent of the said Asylum, subject nevertheless to the control and regulation of the Commissioners of the establishment.

Public dispensary at asylum.

II. That the physician of the establishment shall be the medical officer of such dispensary, and a dispenser of medicine to be from time to time appointed by the Governor, shall be attached thereto, who shall receive a salary out of the Public Treasury by warrant in the usual manner of eighty pounds per annum.

Medical officer and dispenser.

III. All medicines and medical and surgical requisites required for the said dispensary shall from time to time be procured by the Commissioners of the said Asylum, the cost of which shall be defrayed out of the Public Treasury by warrant of the Governor in Council.

Medicines and surgical requisites.

IV. Medicines shall be supplied from the said dispensary to the various prisons of the colony, to the members of the police force, and to the poor and indigent persons not being inmates of the said Asylum under such rules and regulations as may be established for the purpose by the Commissioners of the Asylum and approved of by the Governor in Council, or as may be in force at the time of the commencement of this Act.

Medicines supplied.

V. The physician shall attend at the said dispensary at stated times to be fixed by him, with the approval of the Commissioners, for the purpose of prescribing for such poor and indigent persons not being inmates of the said Asylum as may attend there, and who may be entitled, under the regulations of the establishment, to medicines or medical aid or either, and the dispenser shall give such daily attendance and shall perform such duties as shall from time to time be enjoined by any rule to be made as hereinafter provided for or as may be in force at the time of the commencement of this Act.

Physician to attend at dispensary.

Commissioners to make rules for the government of dispensary.

VI. It shall be lawful for the Commissioners of the said Asylum to frame rules and regulations for the government of the said dispensary, in which, among others, the following matter shall be provided for, that is to say: The attendance of the dispenser and his duties, the mode in which the right to medical advice and the supply of medicines to indigent persons attending at the dispensary shall be exercised, and generally for the proper government of the dispensary and effective dispensing of medicines therefrom to persons entitled to receive the same, in which rules the right of medical practitioners rendering gratuitous medical services to poor and indigent persons to send medical prescriptions for such persons to the said dispensary shall be recognised and allowed, all which rules shall be subject to confirmation by the Governor in Council, and may from time to time be altered, amended, or repealed, and new rules made as occasion may require; all which altered, amended, or new rules shall in like manner be subject to confirmation as aforesaid before coming into force or effect, or to subsequent alteration, amendment, or repeal when deemed necessary.

Repealing clause.

VII. The seventeenth and eighteenth sections of 32 Victoria, chapter 13, also so much of Schedule A. to the said Act annexed as affixes a salary to the office of dispenser of medicine, and the 33 Victoria, chapter 16, shall be repealed.

No. 6.

39 Vic. c. 10. *An Act to amend the Laws relating to the maintenance of the Destitute Poor and to the Public Asylum.* (Assented to 2nd March, 1876.)

Liability of certain persons to maintain or contribute towards the maintenance of destitute persons.

I. That whenever any destitute person shall become an inmate of the Asylum and shall have a child, or parent, or husband who in the opinion of the Commissioners is, or are, able to maintain or contribute towards the maintenance of such person, it shall be lawful for the Commissioners to apply to the Police Magistrate for an order upon such child, parent, or husband to maintain or contribute towards the maintenance of such destitute person whilst he shall so remain an inmate as aforesaid, and such Magistrate, if satisfied by proof upon oath that such destitute person is an inmate of the Asylum and being maintained at the public expense, and that such child, parent, or husband is able to maintain or contribute to the maintenance of such inmate, shall make an order on such child, parent, or husband requiring him or them to pay to the said Commissioners for the maintenance, or as contribution to the maintenance of such person while he shall continue an inmate, such sum of money, either weekly or otherwise, as the said Magistrate in his discretion shall think a reasonable amount according to the circumstances of such child, parent, or husband.

Magisterial proceedings and appeal.

II. That the proceedings before the Police Magistrate under the preceding section of this Act shall be governed by the provisions of the Act 12 Vic. c. 10, as well in enforcing orders as in investigating complaints preferred; and any person against whom any order shall be made shall have the right of appeal in the same and the like manner as persons summarily convicted under other Acts of Assembly have the right of appeal to the General Court.

Salary and appointment of resident surgeon superintendent.

III. Upon the commencement of this Act as hereinafter provided for, the office of Superintendent of the Asylum, and the office of Physician to the said Asylum and Medical Attendant at the Public Dispensary, as such offices are at present constituted, shall respectively be abolished, and it shall be lawful for the Governor to appoint in the name and on behalf of the Crown, by Commission under the Great Seal, an officer to be styled "Resident Surgeon Superintendent of the Nassau Asylum," who shall

reside at the Institution, and shall be invested with the same and the like powers, and shall discharge the same and the like duties as are now vested in and discharged by the Superintendent and Physician and Medical Attendant aforesaid, and who shall receive out of the Public Treasury of the Colony a salary of £350 per annum, payable monthly in the usual manner.*

IV. No person shall be qualified to be appointed to the office of Resident Surgeon Superintendent as aforesaid who does not hold a Diploma from a College of Physicians or Surgeons in the United Kingdom.

Qualification.

V. It shall not be lawful for the person holding the said office of Resident Surgeon Superintendent to engage in the private practice of his profession, except in such case or cases in which his services may be desired for the purposes of consultation with any other physician or surgeon.

Private practice forbidden.

VI. It shall be also lawful for the Governor, upon the commencement of this Act as aforesaid, to appoint, by commission under the Seal at Arms, an officer to be styled "Storekeeper of the New Providence Asylum," who, subject to the orders of the said Superintendent and the Commissioners of the said Asylum, shall have charge of and be responsible and accountable for all stores, goods, and effects belonging to the said Institution, and shall perform all and singular such duties as may from time to time be required of him by the Commissioners of the said Asylum, and who shall receive out of the Public Treasury of the Colony a salary at and after the rate of £80 per annum, payable monthly, in the usual manner.

Salary and appointment of storekeeper.

VII. The third, fourth, fifth, and sixth sections of this Act shall commence and take effect when and as soon as a vacancy shall occur in the office of Superintendent of the Asylum, as such office is now held, and appointments to the offices in and by such sections created shall afterwards from time to time be made in manner hereinbefore provided for as vacancies may occur therein.

When this Act shall take effect.

VIII. and IX. Repealed by "The Repealing Act, 1899."

X. If at any time it shall be found impracticable on a vacancy occurring to obtain a person with the particular medical qualification required by this Act to act as Surgeon Superintendent of the said Asylum, it shall be lawful for the Governor, acting by and with the advice of the Executive Council, to make or authorise the making of temporary arrangements for the effectual superintendence of the said Institution by a person not having such especial medical qualification, and for insuring proper medical attendance thereat by some duly qualified medical practitioner, and all expenses incurred under this section shall be paid and defrayed out of the Public Treasury by warrant of the Governor in Council.

Temporary arrangements may be made.

XI. Repealed by "The Repealing Act, 1899."

XII. The Act 38 Vic. c. 31, shall be and the same is hereby repealed.

No. 7.

44 Vic. c. 3. *An Act to provide for the Repatriation of Bahamian Pauper Children from the Danish West Indian Islands.* (Assented to 12th March, 1881.)

I. It shall be lawful for the British Consul for the time being in any Danish West Indian Island to take all necessary steps to send back to the Island within this Government from where he or she came and to which he or she originally belonged, any destitute Bahamian child brought to him who is an orphan or whose parents have deserted him or her or cannot be found.

Provision for sending children back to the Bahamas.

II. It shall be lawful for the Governor in Council, and he is hereby authorised, as often as may be necessary, to issue his warrant upon the

Governor authorised to defray expenses.

* This salary is reduced to £300 by 59 Vic. c. 16, post, No. 9 of this Class.

Public Treasury for the re-payment of all monies which may have been disbursed by any British Consul as aforesaid for the purposes and under the provisions of this Act, and the Receiver-General and Treasurer is hereby directed to pay such sum to the party authorised to receive the same.

No. 8.

51 Vic. c. 8. *An Act to provide for the Payment of Expenses incurred abroad in the Relief and Repatriation of Passengers belonging to Vessels engaged in voyages from these Islands which may be shipwrecked.* (Assented to 28th March, 1888.)

Governor in Council authorised to issue his warrant for the payment of expenses incurred abroad in relieving and sending shipwrecked passengers back to the Bahamas.

Expenses recoverable from owner, charterer, and master of vessel.

I. It shall be lawful for the Governor in Council, as often as may be necessary, to issue his warrant upon the Public Treasury for the repayment of any expenses which may hereafter be incurred by the Governor of any British possession or Her Majesty's Consular Officer at any foreign port in relieving and sending home to this Government any person belonging to these Islands who, being a passenger on board any vessel bound from any port in this Colony to a foreign port, shall by reason of the shipwreck of such vessel be found in distress at any port or place without the limits of this Government.

II. All expenses incurred as aforesaid and paid under the authority of the preceding section shall become a debt to Her Majesty and Her Successors from the owner, charterer, and master of such shipwrecked vessel, and shall be recoverable from them or from any one or more of them at the suit and for the use of Her Majesty in like manner as in the case of other Crown debts; and a certificate purporting to be under the hand of any such Governor or Consular Officer (as the case may be) stating the total amount of such expenses shall in any suit or other proceeding for the recovery of such debt be received in evidence without proof of the handwriting or of the official character of such Governor or Consular Officer, and shall be deemed sufficient evidence of the amount of such expenses and that the same were duly incurred; nor shall it be necessary to adduce on behalf of Her Majesty any other evidence in support of the claim, but judgment shall pass for the Crown, with costs of suits; unless the defendant shall specially plead and duly prove that such certificate is false or fraudulent, or shall specially plead and prove any facts showing that such expenses were not duly incurred. *Provided* nevertheless, that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received, or due to, or recoverable by, or on account of the owner, charterer, or master of such vessel or any of them for or in respect of the whole number of passengers who may have embarked in such vessel which total amount of passage money shall be proved by the defendant, if he will have the advantage of this limitation of the debt.

Application of Act.

III. This Act shall only apply to voyages of shorter distance and duration than Colonial voyages as defined and specified in "The Imperial Passenger Acts, 1855," and "The Imperial Passengers Act Amendment Act, 1863."

No. 9.

59 Vic. c. 16. *An Act for making further and other provision for the Medical Superintendence of the New Providence Asylum.* (Assented to 30th April, 1896.)

Title of Act.

I. This Act may be cited for all purposes as "The Asylum Medical Act, 1896."

Salary of resident surgeon superintendent

II. In any future appointment to the office of Resident Surgeon Superintendent of the New Providence Asylum, the person appointed

thereto shall receive a salary at and after the rate of Three hundred pounds per annum, payable out of the Public Treasury by warrant in the usual manner, and any Act or Acts affixing a higher rate of salary to such office shall be repealed.

of the New
Providence
Asylum.
Repeals.

III. There shall be attached to the establishment of the New Providence Asylum another Medical Officer, to be styled Assistant Surgeon of the New Providence Asylum, and the person when appointed to such office as hereinafter provided for shall have and receive out of the Public Treasury of these Islands a salary at and after the rate of Two hundred pounds per annum and an annual allowance of £40 for house rent.

Assistant sur-
geon of the
New Providence
Asylum provided
for.

Salary and house
allowance.

IV. No person shall be qualified to be appointed to the office of Assistant Surgeon as aforesaid who does not hold a Diploma from a College of Physicians or Surgeons in the United Kingdom.

Qualification.

V. It shall not be lawful for the person holding the said office of Assistant Surgeon to engage in the private practice of his profession, except in such case or cases in which his services may be desired for the purposes of consultation with any other physician or surgeon.

Private practice.

VI. It shall be lawful for the Governor to appoint a fit and proper person to the office of Assistant Surgeon to the New Providence Asylum when and so soon as the office of Public Physician for the Island of New Providence becomes vacant, who shall possess the qualifications named in the fourth section of this Act.

Assistant sur-
geon to the New
Providence
Asylum to be
appointed when
office of public
physician be-
comes vacant.

VII. The officer so appointed shall perform such duties as may be defined and laid down by rules to be framed for the purpose by the Commissioners of the New Providence Asylum, who are hereby authorised and empowered to make and frame and when necessary change and alter rules defining the duties of such officer, among which shall be the duties now by law required to be performed by the Public Physician for the Island of New Providence and providing for medical assistance and medicines to the poor.

Duties of assis-
tant surgeon of
the New Provi-
dence Asylum
to be defined
by rules.

VIII. The said Commissioners shall by rule or rules to be framed as aforesaid give power to Ministers of Religion and Justices of the Peace to grant certificates by which the poor and destitute of these Islands may obtain the services of the Assistant Surgeon aforesaid gratuitously.

Certificates to
be granted by
ministers of
religion and
justices of the
peace.

IX. All rules framed under the authority of this Act shall be submitted for the approval of the Governor in Council, and when approved shall have full force and effect.

Rules to be
framed and
submitted for
approval.

X. and XI. Repealed by 61 and 62 Vic. c. 31.

No. 10.

61 Vic. c. 14. *An Act to continue in force the Provisions of the Act 51 Victoria, chapter 23, relating to the Appointment of Out-Island Public Physicians.* (Assented to 31st May, 1898.)

I. This Act may be cited for all purposes as "The Out-Island Title Medical Act, 1898."

II. It shall be lawful for the Governor to appoint any person residing at any place within any Out-Island Magisterial District of the Colony who shall be a duly qualified graduate or licentiate in medicine or surgery, of some legally recognised British or Foreign Medical or Surgical Institution, and whose Diploma has been duly recorded in the office of Registrar of Records in this Colony, to be Public Physician for such District: *Provided*, that any person appointed Public Physician of any Out-Island District under the Act 51 Victoria, chapter 23, and holding such office on the passing of this Act, shall not be required to be re-appointed, but shall continue to hold his office as if appointed hereunder.

Authorises
appointment of
public physicians
for out-Island
District.

Proviso.

No. 11.

61 and 62 Vic. c. 31. *An Act to provide for the Service of a Trained Female Nurse, and an Assistant Female Nurse, for the Island of New Providence.* (Assented to 26th August, 1898.)

I. It shall be lawful for the Governor to obtain a duly qualified Trained Nurse for the New Providence Asylum as Head Nurse of such Establishment, at a salary not exceeding £150 per annum without rations, one of whose duties it shall be to give instruction and training in nursing.

Trained nurse to be obtained from England for the New Providence Asylum.

Salary.

II. It shall also be lawful for the Commissioners of the New Providence Asylum to appoint, subject to the approval of the Governor, an Assistant Nurse in the Colony, at a salary not exceeding £90 per annum without rations, the person appointed to possess such qualifications as shall be satisfactory to the said Commissioners.

Assistant nurse to be appointed.

Salary.

III. The Head Nurse and Assistant Nurse so appointed shall perform such duties as may be defined and laid down by the Commissioners of the New Providence Asylum, who are hereby authorised and empowered to make and frame, and when necessary change and alter, rules defining the duties of such Head Nurse and Assistant Nurse, subject to the approval of the Governor in Council.

Duties to be defined by rules.

IV. All expenses incurred at any time in obtaining a Head Nurse, for paying her passage, providing accommodation for the Head and Assistant Nurse, and otherwise incidental to the carrying out of this Act, shall not exceed £75, and shall be paid out of the Public Treasury by Warrant in the usual manner.

Payment of expenses.

V. Sections 10 and 11 of the Act of Assembly, 59 Victoria, chapter 16, are hereby repealed.

Repeals.

VI. This Act shall continue in force for the period of five years from the date of the passing thereof, and from thence to the end of the then next session of the General Assembly.

Duration of Act.

No. 12.

62 Vic. c. 2. *An Act to Provide in Cases of Urgency for Additional Medical Attendance in the Out-Islands.* (Assented to 23rd December, 1898.)

I. In addition to the duties now being performed by the Assistant Surgeon of the New Providence Asylum, the Commissioners of the said Asylum may, when in their opinion urgent necessity arises for the attendance of a medical man, and subject to the approval of the Governor, authorise the said Assistant Surgeon to proceed to any of the Out-Islands of the Colony.

Assistant surgeon of the New Providence Asylum, in cases of urgency, to give medical attendance in the out-islands.

II. The said Assistant Surgeon shall forthwith proceed to such out-island, and the duties of such officer shall, during his absence from the Island of New Providence, be discharged by the Resident Surgeon Superintendent of the said Asylum.

Resident-surgeon superintendent of the Asylum to discharge the duties of the assistant-surgeon during his absence.

III. The amount incurred in defraying the passage of the said Assistant Surgeon to and from such out-island, and the expenses incidental thereto, shall be paid out of the Public Treasury by warrant in the usual manner.

Payment of expenses.

IV. This Act shall be deemed to be read with and form part of "The Asylum Medical Act, 1896."

Act deemed to form part of "The Asylum Medical Act, 1896."

CLASS VII.

DISTRICT DIVISIONS OF THE COLONY.

No. 1.

9 Vic. c. 1. *An Act for dividing the Colony into Parishes, for regulating the Election of Vestries, and for other Parochial purposes.* (December 24th, 1845.)

Division of
parishes.

Christ Church.

St. Anne.

St. Matthew.

St. John.

St. Patrick.

St. Salvador.

St. Andrew.

I. That as heretofore that part of the Island of New Providence commencing from East Street, in the town of Nassau, and a line to be drawn from the south end of the said street, due south across the island to the sea, from thence westwardly as far as the westernmost part of the said island, and all the space from sea to sea, comprised between the said street and the westernmost part of the said island, and all islands, parts of islands and key situate and being within five leagues to the westward, northward or southward thereof, shall be formed and erected into one parish, to be called, distinguished, and known by the name of the parish of Christ Church. That part of the eastern district of the Island of New Providence commencing at the junction of Fowler's Street with the back road, or East Shirley Street, and extending thence due south across the said island to the sea, and from such junction due east to the sea, and all the space between such boundaries and the easternmost and southernmost parts of the said Island of New Providence, and all islands, parts of islands, and key situate and being within five leagues of the northward, eastward, and southward thereof, shall be formed and erected into one parish, to be called, distinguished, and known as the parish of Saint Anne. That such parts of the said eastern district of the said Island of New Providence as are not comprised within the said parish of Saint Anne, and all islands, parts of islands, and keys situate and being within five leagues to the northward and southward of such last-mentioned part of the said eastern district, shall be formed and erected into one parish, to be called, distinguished, and known as the parish of Saint Matthew. That part of the Island of Eleuthera, commonly called West Eleuthera, together with Harbour Island, Egg and Current Islands, and all islands and keys situate and being within the distance of five leagues to the westward of West Eleuthera aforesaid, shall be formed and erected into one parish, to be called, distinguished, and known by the name of the parish of Saint John. That part of the said Island of Eleuthera, commonly called East Eleuthera, and which is connected with the western or lower part of the aforesaid island by a small isthmus or neck of land, called and known by the name of the Narrow Passage, and all islands and keys situate and being within three leagues to the eastward thereof, shall be formed and erected into one parish, to be called, known, and distinguished by the name of the parish of St. Patrick. The Island of St. Salvador, commonly called Cat Island, and the islands and keys situate and being within the distance of three leagues, shall be formed and erected into one parish, to be called, known, and distinguished by the name of the parish of Saint Salvador. The Island of Great and Little Exuma and the islands and keys situate and being within the distance of five leagues thereof, and comprehending all the islands and keys to the westward, as far as the Great Ship Channel Keys inclusive, shall be formed and erected into one parish, to be called, known, and distinguished by the name of the parish of Saint Andrew. Long Island and the islands and keys situate and being within the distance of three leagues thereof shall be formed and erected into one parish, to be called, known, and distinguished by

the name of the parish of Saint Paul. Crooked Island and the islands and keys situate and being within the distance of three leagues thereof shall be formed and erected into one parish, to be called, known, and distinguished by the name of the parish of Saint David. The Caicos Islands and the islands and keys situate and being within the distance of three leagues thereof shall be formed and erected into one parish, to be called, distinguished, and known by the name of the parish of Saint George. The islands commonly called Turks' Islands and the islands and keys being within the distance of three leagues thereof, and not already included in any of the before-mentioned parishes, shall be formed and erected into one parish, to be called, distinguished, and known by the name of the parish of Saint Thomas. The Island of Abaco and all the islands and keys situate and being within the distance of five leagues therefrom shall be formed and erected into one parish, to be called, known, and distinguished by the name of the parish of Saint Peter. The district of Watling's Island and Rum Cay shall be formed and erected into one parish, to be called, known, and distinguished by the name of the parish of Saint Christopher. The districts of Andros Island, Grand Bahama, and the Berry Islands shall be formed and erected into one parish, to be called, known, and distinguished by the name of the parish of Saint Stephen. And that all and every of the said parishes shall for ever hereafter be distinguished and known by the aforesaid respective names and no other, any law, usage, or custom to the contrary notwithstanding.

St. Paul.

St. David.

St. George.

St. Thomas.

St. Peter.

St. Christopher.

St. Stephen.

(The remainder of this Act is repealed by 32 Vic. c. 27.)

No. 2.

- 11 *Vic. c. 28. An Act to amend an Act entitled "An Act for dividing the Colony into Parishes, for regulating the election of Vestries, and for other parochial purposes."*

WHEREAS Ragged Island and the cays adjacent thereto are not included in any parish; for remedy whereof may it, &c., That from and after the passing of this Act, Ragged Island and the cays immediately adjacent thereto shall be included in and form part of the parish of Saint Paul.

PREAMBLE.
Ragged Island to form part of the parish of St. Paul.

No. 3.

- 15 *Vic. c. 4. An Act for providing for the erection of a Church at Inagua, and for other purposes. (March 25th, 1852.)*

WHEREAS it is expedient that the Islands of Inagua and Mayaguana, and the islands and cays adjacent thereto, should be erected into a separate parish; May it therefore, &c.

I. That the islands of Inagua and Mayaguana, and the islands and cays adjacent thereto, shall be and the same are hereby erected into a parish, to be called the parish of St. Philip.

PREAMBLE.

Inagua, Mayaguana, and adjacent islands and cays declared a parish by the name of St. Philip.

No. 4.

32 Vic. c. 27.

The division of the colony into parishes retained for civil purposes only.

VII. Whereas, in consequence of the alterations by this Act made in the system of Church Endowment, it is expedient that the division of the colony into parishes should be retained only for civil purposes, be it enacted that from and after the coming into operation of this Act no ecclesiastical character shall attach to the division of the colony into parishes as provided for by any Act of the General Assembly of these islands, but such division shall be held and construed as solely denoting the division of the colony into districts for civil purposes only.

CLASS VIII.

POPULATION.

No. 1.

34 Vic. c. 1. *An Act for taking the Census of the Bahama Islands.*
(Assented to 17th February, 1871.)

Governor to have the care of taking census.

I. The Governor shall have the care of superintending the taking of the said census, and shall cause to be prepared and printed, for the use of the persons to be employed in taking it, such forms and instructions as he shall deem necessary, which forms and instructions shall be issued to the persons for whose use they are intended by such officers, and in such manner as the Governor may direct; and all the expenses which shall be incurred under this Act shall be defrayed out of the Public Treasury by warrant or warrants of the Governor, issued by and with the consent of the Executive Council.

Expenses, how defrayed.

Colony to be divided into districts, and enumerators appointed.

II. For the purpose of taking the said census the colony shall be divided into districts, and such number of persons shall be appointed to act as enumerators and to superintend the taking of the said census, and to verify the same as the Governor, acting under the powers vested in him by the preceding section, shall deem necessary.

Schedule to be prepared with particulars to be filled in.

III. Schedules shall be prepared by or under the direction of the Governor, for the purpose of being filled up by or on behalf of the several occupiers of dwelling houses, as hereinafter provided for, with particulars of the name, sex, age, rank, profession, or occupation, condition, relation to head of family, and birth-place of every living person who abode in every house on the night of Sunday, the second day of April, one thousand eight hundred and seventy-one; and also whether any were blind, deaf, dumb, or imbecile or lunatic; and in the course of the week ending on Saturday, the first day of April, in the year of our Lord one thousand eight hundred and seventy-one, there shall be left, by the respective persons to be appointed for the purpose as aforesaid, at every dwelling house within their respective districts one or more of the said schedules for the occupier or occupiers thereof, or of any part thereof, and upon every such schedule shall be plainly expressed that it is to be filled up by the occupier of such dwelling house (or where such dwelling house is let or sub-let in different storeys or apartments, and occupied distinctly by different persons or families, by the occupier of each such distinct storey or apartment, or when such dwelling house is kept or used as a hotel, or lodging house, by the landlord or keeper of such hotel or lodging house) and that the enumerators will

Date of taking census.

Duty of enumerators and of occupiers of dwelling houses.

collect all such schedules within his division on the Monday then next following; and every occupier of any dwelling house, or of any distinct storey or apartment in any dwelling house, or landlord, or keeper of any hotel or lodging house, with or for whom any such schedule shall have been left as aforesaid, shall fill up the schedule to the best of his or her knowledge and belief, so far as relates to all persons dwelling in the house, storey, or apartment occupied by him or her, or in the hotel or lodging house of which he or she is landlord or keeper, and shall sign his or her name thereto, and shall deliver the schedule so filled up, or cause the same to be delivered, to the enumerator when required so to do; and every such occupier, or landlord, or keeper who shall refuse or without lawful excuse neglect to fill up the said schedule to the best of his or her knowledge and belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false return of all or any of the matters, specified in the said schedule, shall forfeit a sum not more than five pounds nor less than twenty shillings.

Penalty for making false returns.

IV. The enumerators shall visit every house in their respective divisions, and shall collect all the schedules so left within their division, from house to house, so far as may be possible, on Monday, the third day of April, in the year one thousand eight hundred and seventy-one, and shall complete such of the schedules as upon delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall add thereunto an account, according to the best information which they shall be able to obtain, of all the other persons living within their division who shall not be included in the schedules so collected by them.

Enumerators to visit every house and to correct erroneous schedules.

V. Every enumerator shall without delay transmit all the schedules collected by him to the office of the Registrar of Records at Nassau, and shall sign a form or declaration to the effect that he has truly and faithfully performed the duties required of him under this Act, and that to the best of his knowledge and belief the schedules transmitted by him are correct, which form or declaration shall be prepared under the direction of the Governor and issued with the forms and instructions as hereinbefore provided for.

Schedules to be sent to registrar and declaration to be signed.

VI. The Registrar of Records shall, subject to such instructions as he may receive from the Governor, examine or cause all schedules to be carefully examined, and shall satisfy himself how far the enumerators or other persons employed have duly performed the duties required of them by this Act, and shall cause any inaccuracies which he shall discover in such schedules to be corrected, so far as may be possible, and shall cause such schedules to be fairly and correctly copied into a book to be provided for that purpose, which book shall be deposited in the office of the said Registrar of Records at Nassau, to be there kept as a book of record and reference.

Registrar of Records to examine schedules and cause them to be recorded.

VII. The Governor shall cause an abstract to be made of the schedules aforesaid, which shall be printed and laid before both Houses of the Legislature during the first meeting of the said Legislature next after the completion of the same.

Abstract of schedules for Legislature.

VIII. The master or keeper of every gaol, prison, or house of correction, workhouse, hospital, or lunatic asylum, shall be the enumerator of the inmates thereof, and shall be bound to conform to such instructions as shall be sent to him in pursuance of this Act for obtaining the returns required by this Act, so far as may be practicable, with respect to such inmates.

Enumerators of gaols, &c., &c.

IX. The Governor shall obtain, by such ways and means as shall appear to him best adapted for the purpose, returns of the particulars required by this Act with respect to all persons who, during the said night of Sunday, the second day of April, were travelling within the

Return of persons travelling within the colony or on board of vessels to be made.

Penalty for making wilful default, or false declaration.

colony, or were on board of vessels belonging to the colony, or who for any other reason were not abiding in any house of which account is to be taken by the enumerators and other persons as aforesaid, which returns shall be dealt with in the same and the like manner as is hereinbefore provided in respect of the schedules aforesaid, and shall also be included in the abstract to be made as aforesaid.

X. Every person appointed to act as an enumerator, or in any other capacity under this Act, and every other person who is bound under this Act, if required, to act as an enumerator, making wilful default in any of the matters required of them respectively by this Act, or making any wilfully false declaration, shall for every such wilful default or false declaration forfeit a sum not exceeding five pounds nor less than two pounds.

Enumerators authorised to ask questions.

XI. The enumerators and other persons employed in the execution of this Act shall be authorised to ask all such questions as shall be directed in any instructions to be prepared by or under the direction of the Governor, which shall be necessary for obtaining the returns required by this Act, and every person refusing to answer or wilfully giving a false answer to such questions, or any of them, shall for every such refusal or wilfully false answer forfeit a sum not exceeding five pounds nor less than twenty shillings.

Penalties.

Penalties, how recovered.

XII. All penalties imposed by this Act shall be recovered in a summary manner before two justices of the peace having jurisdiction in the place where the offence is committed, in the manner prescribed by law in this behalf.

Meaning of "dwelling house."

XIII. In the construction of this Act the words "dwelling house" shall include all buildings and tenements of which the whole or any part shall be used for the purpose of human habitation.

No. 2.

53 Vic. c. 11. *An Act to provide for taking the Census of the Bahama Islands.* (Assented to 27th March, 1890.)

Act 34 Vic., cap. 1, to be in force, with certain exceptions.

I. The Census of the Bahama Islands in the year 1891 shall be taken in like manner and under the same authority as the Census for the year 1871 was taken within the Bahama Islands; and for this purpose the provisions of the Act of Assembly, 34 Victoria, chapter 1, entitled "An Act for taking the Census of the Bahama Islands," with the exception of the words in the third, fourth, and ninth sections thereof set out in the Schedule to this Act, shall be and the same are hereby declared to be in full force and effect as if the same had been specially re-enacted.

Date for taking the census to be named by the Governor.

II. It shall be lawful for the Governor at any time hereafter to appoint days in the year 1891 for taking the said Census; for the delivery by enumeration of the Schedules mentioned in the third section of the Act 34 Victoria, chapter 1; for the collection of the said Schedules, and for such other purposes as may be necessary under the said Act for completing the said Census.

Days appointed to be published in the Official Gazette.

III. On the publication in the newspaper in which Government Notices are published of the days appointed by the Governor, according to the provisions of the second section of this Act, such days shall be deemed and taken to be a part of the said Act, 34 Victoria, chapter 1, for the purposes of this Act; which said Act, 34 Victoria, chapter 1, shall then be read as if the days so appointed had been inserted therein by this Act in the sections respectively to which such dates shall appertain and apply.

SCHEDULE.

Sections.	Words.
Third... 	"Sunday the second day of April one thousand eight hundred and seventy-one"; "Saturday the first day of April one thousand eight hundred and seventy-one"; and "Monday then next following."
Fourth 	"Monday the third day of April in the year one thousand eight hundred and seventy-one."
Ninth 	"Sunday the second day of April."

No. 3.

54 Vic. c. 1. *An Act to amend the Laws relating to the taking of the Census of 1891.* (Assented to 26th March, 1891.)

I. It shall be lawful for the Governor, in directing the preparation of the Schedules for taking the Census of 1891, to direct that other particulars, beyond those set out in the third section of the Act of Assembly, 34 Victoria, chapter 1, be incorporated in such Schedules to be filled in as required by that Act.

Census schedules to embody additional particulars.

II. Schedules prepared under this Act shall be deemed and taken for all purposes whatever under the Act 34 Victoria, chapter 1, as Schedules prepared and issued under such last-mentioned Act.

Deemed as prepared under principal Act.

III. The provisions of this Act shall be deemed to be incorporated with the Act passed during the last session, entitled "An Act to provide for taking the Census of the Bahama Islands," and shall be construed as if the said Act and this Act were one Act.

Incorporates.

(For Census Table, see pp. 512-513.)

CENSUS OF THE BAHAMA ISLANDS.

Taken as on the 5th day of April, 1891.

NAME OF ISLAND.	Population.	SEX.		AGE.		Married.	RANK OR OCCUPATION.							WHERE BORN.			
		Males.	Females.	Males and Females above 18.	Males and Females above 70.		Officials.	Profes- sionals.	Traders and Clerks.	Mechanics and Handicrafts.	Planters and Farmers.	Seamen and Fishermen.	Labourers and Servants.	Natives.	England.	Scotland.	Ireland.
Abaco and Cays	3,686	1,844	1,842	1,873	75	1,872	17	2	24	277	608	199	185	3,623	8	1	...
Andros Island	4,589	2,312	2,274	2,132	88	1,507	5	2	9	132	1,009	561	120	4,483	5	5	...
Berry Islands	215	111	104	86	14	63	2	...	...	21	25	22	9	204	...	...	...
Bimini	566	272	294	238	12	185	6	...	5	41	75	73	36	558	...	...	...
Cay Sal and Cay Lobos	30	12	18	12	...	11	5	...	...	...	...	...	5	29	...	...	...
Eleuthera	7,358	3,460	3,898	3,247	167	2,283	11	5	37	332	1,175	139	661	7,274	3	1	...
Exuma and Cays	2,915	1,425	1,490	1,285	62	803	4	1	7	41	119	451	941	2,870	1	...	...
Grand Bahama	1,269	634	635	556	33	368	2	...	...	18	167	108	2	1,239	...	...	...
Harbour Island	1,472	675	797	735	55	512	8	7	24	131	133	113	201	1,449	4	1	...
Inagua	998	522	476	551	24	279	7	1	25	76	100	23	289	882	...	...	1
Long Island...	3,174	1,546	1,628	1,346	98	919	6	1	11	41	593	30	173	3,103	...	...	...
Long Cay	2,934	1,451	1,483	1,369	44	925	5	1	22	127	607	140	160	2,881	...	...	1
Acklin's Island	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Crooked Island	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mayaguana	265	130	135	100	15	75	...	...	...	2	70	...	6	228	...	...	...
New Providence	10,914	4,716	6,198	6,094	406	3,390	200	67	451	1,137	555	515	2,753	9,890	88	1	16
Rum Cay	402	193	209	195	24	113	2	...	1	16	144	8	13	387	...	...	...
Ragged Island	348	173	175	135	13	78	2	...	6	32	8	47	67	346	1	...	...
Spanish Wells	414	185	229	198	15	152	1	...	2	66	70	7	1	412	...	...	...
San Salvador	5,244	2,544	2,700	2,304	124	1,495	6	...	4	72	1,316	60	102	5,192	...	...	1
Watling's Island	772	350	422	365	24	217	4	1	4	14	66	38	130	747	...	...	...
	47,565	22,555	25,010	22,321	1,293	14,687	293	88	632	2,576	6,840	2,584	5,854	45,797	110	9	20

CENSUS OF THE BAHAMA ISLANDS—cont.
Taken as on the 5th day of April, 1891.

NAME OF ISLAND.	WHERE BORN—cont.							EDUCATION.			AGRICULTURE.					
	European— Germany, France, Spain, Portu- gal, Italy, Norway, Den- mark, Russia.	Canada.	America.	Africa.	West Indies.	East Indies.	Other Countries.	Indimites.	Vaccinated.	Can Read and Write.	Can Read only.	Can Write only.	Land un- der culti- vation with Sisal. Acres.	Sisal Plants set out.	Sisal Plants Quantity of Land not given.	Total Num- ber of Sisal Plants set out.
Abaco and Cays	16	30	8	...	...	32	976	1,136	454	6	2,083 $\frac{1}{2}$	1,147,118	49,264	1,196,382
Andros Island	9	62	23	...	2	16	2,943	776	725	...	328 $\frac{1}{2}$	126,466	3,522	129,988
Berry Islands	3	5	3	...	...	...	125	74	50	...	2 $\frac{1}{2}$	1,222	...	1,222
Bimini	4	4	...	...	2	231	193	112	...	7	10,950	508	11,458
Cay Sal and Cay Lobos	1	...	...	...	17	14	1	...	...	...	...	...
Eleuthera	18	55	6	...	...	52	3,423	2,162	1,095	4	52 $\frac{3}{4}$	38,473	17,747	51,220
Exuma and Cays	3	36	5	...	...	14	1,931	340	473	...	76 $\frac{1}{2}$	65,372	16,494	81,866
Grand Bahama	5	21	4	...	...	15	404	286	305	...	85 $\frac{1}{2}$	89,974	3,811	93,785
Harbour Island	9	3	6	...	...	20	1,031	831	166	6	139 $\frac{9}{16}$	132,450	2,631	135,081
Inagua	7	48	60	...	...	3	774	328	244	1	341 $\frac{1}{2}$	204,470	2,715	207,185
Long Island	1	60	9	...	...	25	1,077	653	427	5	91 $\frac{3}{32}$	51,904	27,366	79,270
Long Cay
Acklin's Island	8	16	28	...	...	7	1,718	597	492	6	20 $\frac{3}{8}$	2,414	309	2,723
Crooked Island
Mayaguana	13	24	...	...	3	91	13	86	...	...	...	68	68
New Providence	...	16	162	397	308	4	13	67	8,782	5,112	1,320	21	2,498	1,670,492	42	1,670,534
Pum Cay	12	3	...	...	4	311	105	80	...	196	117,950	1,420	119,370
Ragged Island	1	200	100	74	...	12 $\frac{1}{4}$	4,060	150	4,210
Spanish Wells	2	1	...	...	...	3	113	206	80	2	...	...	325	325
San Salvador	...	1	2	35	13	...	...	31	4,152	1,285	1,639	4	214 $\frac{1}{2}$	340,881	10,800	351,681
Watling's Island	17	8	...	...	3	339	115	210	...	4 $\frac{1}{2}$	2,600	2,285	5,425
	19	17	245	815	513	5	15	298	28,638	14,326	8,033	55	6,154 $\frac{1}{32}$	4,001,796	139,997	4,141,793

HERBERT A. BROOK, Registrar of Records and Superintendent of Census.

27th June, 1891.

TABULAR STATEMENT SHOWING INCREASE OR DECREASE OF THE POPULATION OF THE ISLANDS OF THE BAHAMAS SINCE 1881.

NAME OF ISLAND.	Total Number in 1881.	Total Number in 1891.	In- crease.	De- crease.	REMARKS.
Abaco and Cays ...	3,610	3,686	76	...	This decrease may be attributed to emigration to Key West.
Andros Island ...	3,434	4,589	1,155	...	
Berry Islands ...	185	215	30	...	
Biminis ...	663	566	...	97	
Cay Sal and Cay Lobos	21	30	9	...	Emigration to Key West is the cause of this decrease.
Eleuthera ...	7,010	7,358	348	...	
Exuma and Cays ...	2,090	2,915	825	...	
Grand Bahama ...	890	1,269	379	...	
Harbour Island ...	1,970	1,472	...	498	This decrease is occasioned by emigration to Central America and Hayti.
Inagua ...	1,083	998	...	85	
Long Island ...	2,573	3,174	601	...	
Long Cay ...	2,114	2,934	820	...	
Acklin's Island ...					
Crooked Island ...					
Mayaguana ...	246	265	19	...	Emigration to Key West and Cuba is the principal cause of this decrease.
New Providence ...	11,653	10,914	...	739	
Rum Cay ...	367	402	35	...	
Ragged Island ...	271	348	77	...	
Spanish Wells ...	440	414	...	26	This decrease is occasioned by emigration to Key West.
San Salvador ...	4,226	5,244	1,018	...	
Watling's Island ...	675	772	97	...	
	43,521	47,565	5,489	1,445	

HERBERT A. BROOK,

Registrar of Records and

Superintendent of Census.

27th June 1891.

CLASS IX.

MISCELLANEOUS ECCLESIASTICAL LAWS.

No. 1.

13 Vic. c. 5. *An Act for defining the right to the Ceremonial Use of certain Burial Grounds in the Island of New Providence, and for providing for the charge and regulation thereof.* (March 14th, 1850.)

WHEREAS differences have arisen among the various denominations of Christians in this colony as to the right to the ceremonial use of certain burial grounds, situate in the Island of New Providence, which have been purchased and maintained, or maintained at the public expense, and it is expedient that such differences should be set at rest, and that all doubts as to the ceremonial use of the several burial grounds hereinafter mentioned and designated should be removed by legislative enactment: AND WHEREAS there are now no other subjects of Her Majesty resident in these islands but those who profess the Christian religion: May it, &c., That from and after the passing of this Act the right to the ceremonial use of the two burial grounds, situate in the parish of Christ Church, in the Island of New Providence, known respectively by the names of "Pottersfield" and "Bethlehem," and of the three burial grounds in the parish of Saint Matthew, in the Island of New Providence aforesaid, situate in the immediate vicinity of the Eastern Parade, two of which are known as the Old Burial Grounds, and lie, the one to the north of the main eastern public road and the other between Dowdeswell Street, on the south, and the aforesaid main eastern public road on the north, and the third, known as the New Burial Ground, and fronting, northerly, on Dowdeswell Street, and running thereon one hundred and sixty-eight and one-half feet, bounded on the east by Saint Matthew's Churchyard, and running thereon two hundred and seventy feet on the south by lot owned by Mrs. Thompson, and lot claimed by Mrs. Jarvis, and running thereon one hundred and fifty feet, and on the west by said lot claimed by Mrs. Jarvis, and by lot claimed by the heirs of Spatches, and all other public burial grounds that may hereafter be purchased and maintained, or maintained for the use of the public, and at the public expense, shall vest in and be respectively exercised by all clergymen or Christian ministers ordained or otherwise set apart to the ministry of the Christian religion, as may from time to time be respectively resident within these islands, and having the charge of or being connected ministerially with any congregation of Christians therein, and it shall be lawful for every such clergyman or Christian minister as aforesaid to perform the burial service within the said grounds, according to the usages, rites, and ceremonies of the particular church, society, persuasion, or congregation to which they respectively belong.

II. to VII. Repealed by 32 Vic. c. 20.

VIII. Provided always, and be it further enacted and declared, that the several churches, churchyards, and chapels in the colony which have, prior and up to the passing of this Act, been subject to the exclusive ceremonial use of clergymen of the United Churches of England and Ireland, or which have been or may be by any Act of the General Assembly of these islands, dedicated exclusively to the use of the said United Churches, shall respectively continue, and be and remain subject to such exclusive ceremonial use alone, and that nothing in this Act contained shall extend, or be construed to extend, to recognise the existence of any right on the part of ministers of religion other than such clergymen as aforesaid to participate in the ceremonial use of any such church, churchyard, or chapel as aforesaid.

PREAMBLE.

The right to the ceremonial use of the public burial grounds to be exercised by Christian ministers of all denominations.

Certain property declared to belong exclusively to the Church of England.

No. 2.

32 Vic. c. 27. *To amend the Ecclesiastical Laws of the Colony, and for other Purposes.* (Assented to 1st June, 1869.)

PREAMBLE.

WHEREAS the present condition of the colonial finances renders it necessary that the public expenditure should be reduced: And whereas the United Churches of England and Ireland and the Presbyterian Church of Saint Andrew are supported and maintained by funds derived from the general revenue: And whereas a very large number of the inhabitants of the islands comprised within this Government are connected with denominations of the Christian religion other than those aforesaid, and contribute voluntarily towards the support and maintenance of their ministers and churches: And whereas the double burthen of supporting by private donations their own ministers and churches, and by taxation the clergy and churches of the United Churches of England and Ireland and the Church of Saint Andrew, has occasioned great discontent, and it is therefore expedient that a change should take place in the laws regulating the present Ecclesiastical Establishment of the colony in such a manner as will be least injurious to the religious interests of a large number of the people who have hitherto been dependent upon State aid alone; and as it will in its results ultimately effect the desired reduction in the public expenditure and the termination of all causes of discontent: May it, &c.

The erection, repair, or addition to church buildings to be no longer a charge on the general revenue.

I. That from and after the commencement of this Act the building of churches, chapels, or other ecclesiastical edifices of the said United Churches of England and Ireland, or of any branch of the Presbyterian Church, or of any other church or religious denomination whatever, and the repair of or addition to all churches, chapels, and other ecclesiastical edifices of the hereinbefore named churches, shall cease to be a charge on the general revenue of the colony, any existing right or usage to the contrary notwithstanding.

The legal estate of churches to vest in Commissioners.

II. That upon the commencement of this Act the legal estate in all churches and chapels within the Bahama Islands dedicated to, or which are in any manner held to the use of the said United Church of England and Ireland, as such Church has been recognised by law in this colony, and which have been heretofore considered or dealt with as public property, shall vest in the Commissioners to be hereinafter named upon trust to hold, preserve, and maintain such chapels and churches with their respective appurtenances for the celebration of public worship and for the performance of other religious services according to the rites and ceremonies of the United Churches of England and Ireland, or by whatever style or title such Church shall hereafter be known in the United Kingdom, as such rites or ceremonies are now or may hereafter be recognised and established by law in the said United Kingdom.

The Bishop, with certain clergy and lay members, to be Commissioners.

III. That the Bishop of the Diocese for the time being, the Incumbent of Christ Church, Saint Matthew, and Saint John for the time being, together with five laymen being members of the said United Church of England and Ireland, to be selected and appointed as hereinafter provided for, shall form a Board of Commissioners, and such Board is hereby constituted a corporate body under the style of the Commissioners of the Church of England in the Bahamas for the purposes by this Act declared.

Lay members of Commission, how appointed.

IV. That the lay members of the said Board shall in the first instance be nominated by the Governor, but all vacancies which shall occur among such lay members by death, resignation, removal from the colony, or by any member ceasing to be a member of the Church of England as the same shall be established by law in the United Kingdom, shall be filled up by the remaining or continuing Commissioners in such manner as

may by any rule made by the Commissioners for the purpose be provided for.

V. That the annual salaries and allowances which are at present attached by law permanently to the several ecclesiastical offices in the schedule hereto annexed, marked A., shall continue to be paid out of the Public Treasury as heretofore, to the parties holding the same for a period of seven years only: Provided, however, that any clergyman who may at the date of the commencement of this Act be holding any of the said offices shall have his existing interest conserved to him, and shall, so long as he may continue to hold such office, and notwithstanding anything herein contained, be entitled to have and receive the salary or allowance thereto attached, and which he may be receiving at the time this Act shall come into operation; and provided further, that in the event of any vacancy occurring in any of the said offices between the date of the commencement of this Act and the end of the said term of seven years, no person appointed to any of the said offices shall be deemed to have a vested interest therein beyond the said term of seven years, or be entitled to claim any continuing interest in such office thereafter.*

The payment of salaries and allowances to the clergy provided for, *vide* Schedule A.

VI. That so much of any Act of the General Assembly of these islands as is inconsistent with or repugnant to the preceding section shall be and the same is hereby declared to be repealed.

Repealing clause.

VII. Whereas, in consequence of the alterations by this Act made in the system of Church Endowment, it is expedient that the division of the colony into parishes should be retained only for civil purposes, be it enacted that, from and after the coming into operation of this Act, no ecclesiastical character shall attach to the division of the colony into parishes as provided for by any Act of the General Assembly of these islands, but such division shall be held and construed as solely denoting the division of the colony into districts for civil purposes only.

The division of the colony into parishes retained for civil purposes only.

VIII. Repeals—

5th section of 7 Wm. 4, c. 2.

9 Vic. c. 1, with the exception of the 1st section.

10 Vic. c. 19.

2nd section 11 Vic. c. 9.

4th section 12 Vic. c. 15.

20 Vic. c. 24.

3rd and 4th sections 24 Vic. c. 17.

2nd section 26 Vic. c. 19, and

29 Vic. c. 20.

IX. That from and after the commencement of this Act the legal estate in the lot of land upon which the Presbyterian Church of Saint Andrew stands erected shall be, by virtue of this Act, vested in the minister and elders of the said church for the time being, and his and their successors in office, in trust for the purposes and uses for which the same has been heretofore employed.

St. Andrew's Church lot of land vested in ministers and elders.

X. A temporary clause relating to existing contracts by vestries.

XI. Repeals 10 Vic. c. 4, 21 Vic. c. 19, and the several Acts and parts of Acts suspended by the 28th section of the 9th Vic. c. 1.

Acts repealed.

XII. Repeals as much of the 5th section of 8 Vic. c. 45, as grants powers to the churchwardens of the parish of St. John.

8 Vic. c. 45, repealed in part.

XIII. Spent, the Act referred to having been since entirely repealed.

XIV. That the Board of Works for the district of Harbour Island shall be Commissioners of the market of that district, and are hereby invested with the same powers which by the Act 21 Victoria, chap. 9,

5 Wm. 4, c. 16, repealed in part. Vestry's powers conferred on Board of Works.

* The salaries and allowances payable under this clause will be found *post*, Part VIII., Class V.

Not to alter
27 Vic. c. 37.

Commencement
of Act.

are conferred on the vestry of St. John's, and so much of the said Act as declares the said vestry to be Commissioners, shall be repealed.

XV. That nothing in this Act contained shall repeal, alter, or abridge any part of the Act of Assembly, 27 Victoria, chap. 37.

XVI. That this Act shall commence and take effect thirty days after Her Majesty's assent thereto shall have been notified in the colony, and not sooner.

SCHEDULE A.

The only persons receiving salaries under this Act are:

Rector of St. Matthew's,
Curate of the District,
Chapelry of St. Agnes,
and
Incumbent of St. David.

No. 3.

38 Vic. c. 9. *An Act to repeal the Acts 6 George IV., chapter 12, and 24 Victoria, chapter 19, vesting in the Bishop of Nassau Ecclesiastical Jurisdiction over the Clergy within the Bahama Islands, and for other purposes.* (Assented to 17th March, 1875.)

PREAMBLE.

WHEREAS, in consequence of the changes which have taken place in the ecclesiastical laws of the colony, it has become necessary to repeal the Acts of Assembly giving ecclesiastical jurisdiction within these islands to the Bishop of Nassau; May it, &c.

Repealing clause.

I. On the passing of this Act, the Acts of Assembly, 6 George IV., chapter 12, and 24 Victoria, chapter 19, shall be and the same are hereby repealed.

II. Exhausted.

No. 4.

38 Vic. c. 19. *An Act for regulating the Management by the Minister and Elders of the Presbyterian Church of St. Andrew, in the City of Nassau, of certain Trust Properties for the said Church, and for other purposes.* (Assented to 9th April, 1875.)

PREAMBLE.

WHEREAS by the Act of Assembly, 32 Victoria, chapter 27, the Presbyterian church of Saint Andrew, in the city of Nassau, was prospectively disendowed, and the land upon which that church stands erected was by the said Act vested in the ministers and elders of the said church for the time being, and his and their successors in office, in trust for the purposes and uses for which the same was held before the commencement of the said Act:

And whereas certain property connected with the said church has, since the said Act came into force, been vested in the said minister and elders as trustees therefor; and there are also trust funds and monies which are now invested in, or in the possession, or under the control of the said persons as trustees for the said church:

And whereas it is desirable that provisions, such as are in this Act contained, should be made in relation to the said church, trust funds, monies, and other properties and securities which are now belonging to, or which shall be devised or bequeathed or given, or in any way belong to or be held for the use of the said church, or of any congregation connected therewith:

And whereas, with the view effectually to hold and perpetuate the succession of, and the better to manage, all property, real and personal, held or to be held in trust, or for the use, or in connection with the said Presbyterian church of Saint Andrew, and in order to regulate and manage the affairs thereof, it is sought by a petition from the minister and elders of the said church to obtain an Act of the General Assembly of these islands; May it, &c.

I. That the present minister and elders of the Presbyterian church of Saint Andrew, in the city of Nassau, to wit, the Reverend Robert Dunlop, minister, Henry Stephenson, Timothy Darling, James Henry Gamblin, Michael Christopher Knowles, Charles Tyldesley Sands, Edward William Begrie, elders, and their successors in office shall be, and they are hereby declared to be, a body corporate for the better holding and management of the property of the said church or connected therewith, and for the better regulation and management of the affairs thereof, and under and by the name, style, and title of "*The Commissioners of the Presbyterian Church of St. Andrew*," to have continuance and succession for ever, and may have and use a common seal for the business of the said Corporation and change and alter the same at their will and pleasure, and shall and may be capable in law to have, hold, purchase, receive, take, enjoy, and in the proper execution and for the better fulfilment of the trusts of the said Corporation and for the benefit and advantage thereof, sell, grant and otherwise dispose of all manner of real and personal property whatsoever and every part and parcel thereof; and they shall and may be able and capable in law, by the name, style, and title of "*The Commissioners of the Presbyterian Church of St. Andrew*," to sue and implead, be sued and impleaded, answer and be answered unto, in any Court of Record, or elsewhere, in law and equity, in all actions and causes whatsoever for, touching, or concerning any matter or thing appertaining to the said Corporation.

II. The minister and elders of the said Presbyterian church of Saint Andrew shall receive all monies raised for, or in any way contributed towards a sustentation fund for the maintenance of such church, or any other in connection therewith, and also all sums given, subscribed or bequeathed thereto or in support thereof, or which shall be payable to them in their capacity as trustees, or be liable to their control; and they shall pay and apply such monies and sums as they shall from time to time think fit and determine with, and subject, however, to the approval of the congregation of the said church of Saint Andrew, testified at a meeting of the members thereof to be specially called for the purpose.

III. The said ministers and elders may from time to time invest the sustentation fund, and all other monies that shall come to their hands for the purposes of, or in connection with, the trusts vested in them, in any of the public stocks or funds or Government securities of the United Kingdom, or of this colony, or any other colony or dependency of the United Kingdom, or of the United States of America, or any particular State, or upon mortgage of real securities; and no trustee shall be liable for any loss occasioned by the depreciation or failure of any such investment or otherwise save by his own wilful default; and the said minister and elders from time to time, at their discretion, may vary or transfer such stocks, funds, and securities into or for others of the same or like nature.

IV. It shall be lawful for the said minister and elders from time to time to appoint a treasurer, who shall hold his office on such terms as they shall determine; and the receipt in writing of the treasurer, or of the minister, or any of the elders, authorised in that behalf by bye-law, for any monies paid, and for any stocks, funds, shares, or securities transferred to them, shall effectually discharge the person or persons

Incorporates certain persons as Commissioners of the Presbyterian Church of St. Andrew's, with continuance and succession for ever.

Powers to raise and apply funds as trustees of church.

Trustees may invest money without being liable to loss.

Treasurer's receipt a sufficient discharge.

Vacancies not to
invalidate gifts,
bequests, &c.

Minister's elec-
tion not re-
stricted.

paying or transferring the same therefrom, and from being bound to see to the application, or being answerable for the loss or application thereof.

V. Any order, resolution, or proceeding of the said minister and elders, or any power by this Act conferred, or any gift, devise, or bequest to them or otherwise, for the benefit of the said church, or any congregation, mission, or charity connected therewith, shall not be invalidated by reason only of there being a vacancy in the office of minister or in that of elder of the said church of Saint Andrew.

VI. Nothing in the law now contained shall restrict, or be construed to restrict in any way whatever, the choice, election, or appointment by the congregation of the said church of Saint Andrew of a minister of any branch of the Presbyterian Church as the minister or assistant minister of the said church of Saint Andrew.

No. 5.

38 Vic. c. 20. *An Act to enable the Trustees under the Will of the late William John Woodcock to sell certain Real Property situate in the Southern District of the Island of New Providence.* (Assented to 9th April, 1875.)

(It has not been considered necessary to print this Act *in extenso*, the title giving all necessary information.)

No. 6.

38 Vic. c. 32. *An Act to empower the Lord Bishop, the Clergy, and the Laity of the Church of England in the Bahamas to hold Synods, and for other purposes.* (Assented to 29th April, 1875.)

PREAMBLE.

WHEREAS, by an Act of Assembly of these islands, the Church of England in this colony has been prospectively disendowed :

And whereas, after the passing of the said Act, certain members of the said Church in this island associated themselves together and agreed to the formation of a representative governing body, called the "Synod of the Church of England in the diocese of Na-sau," which has since from time to time met and assembled and enacted various matters and things for the government of the Church in the colony :

And whereas the bishop, clergy, and the representative of the laity of the said Church in such synod assembled, have, by petition to the legislature, set forth that they are desirous of obtaining legislative authority to assemble in synod, and to make such regulations and ordinances for the management of their ecclesiastical affairs as they may think fit and necessary :

And whereas it is expedient that the members of the Communion of the Church of England in the colony should, subject to the provisions of this Act, be free to make such arrangements as they may think fit and necessary for the well ordering, discipline, and good government thereof, and for raising funds for the maintenance and support thereof, and also for the holding and succession of all such property as may belong thereto ; May it, &c.

I. It shall be lawful for the bishop, clergy, and laity of the Church of England in this colony to meet together in and to hold assemblies, synods, or conventions, at such places, in such manner, and for such

Authorises the
holding of
synods, &c.

purposes in connection with their ecclesiastical affairs as they may think fit; and when so met, to make, subject to the provisions of this Act, all such rules, regulations, and constitutions as to them may seem expedient, as well for the proper representation of such orders in the said assemblies, synods, or conventions as for the general management, ordering, and discipline of the same, and of the communion of the said Church, and of the officers and members thereof respectively; and also to provide for raising funds for the support of the said Church, and for the application and disposal of the property, funds, and effects which shall belong thereto: Provided always, that nothing herein contained shall authorise the imposition of any rate or tax, or the infliction of any temporal punishment, fine, or penalty on any person or persons whomsoever other than the suspension or removal from an office in or under the control of the said synod, assembly, or convention, or the making of any rule or regulation contrary to the law of the colony.

Proviso.

II. The first diocesan synod under this Act shall be held in the city of Nassau at such time as the bishop shall fix and appoint for the purpose, such time to be not later than twelve months from the passing of this Act, and he shall cause public notice thereof to be given at least six weeks before such meeting shall be held.

First Synod to be held in Nassau.

III. Such first diocesan synod shall consist of the bishop, clergy, and representatives of the laity of the communion of the Church of England in this colony, and the number of such representatives of the laity and the districts entitled to representation, together with the qualification of electors and representatives to the first synod elected under this Act, shall be the same as the number of lay representatives, electoral districts, and the qualification of electors and representatives to the body described as the synod of the Church of England in the Bahamas, from whence the petition referred to in the preamble has emanated, with this exception—the qualification of lay representatives to the first synod shall be the same as the qualification of electors thereto.

Qualification of synodmen.

IV. Upon the passing of this Act it shall be lawful for the bishop of Nassau to appoint, by a writing under his hand and episcopal seal, a board to consist of two clergymen and three laymen of the communion of the Church of England, being resident in the island of New Providence, which Board shall have full power and authority to fix the time or times for holding elections of synodmen for the said first synod, to appoint persons to hold such elections, to regulate the manner in which votes shall be given thereat, and in which returns shall be made, and generally to exercise a superintending authority in respect of such elections.

Election board.

V. Upon the meeting of the first synod the powers vested in the bishop, clergy, and laity, by the first section of this Act shall come into full force and effect; and thereafter all powers, authorities, and privileges thereby given and created shall vest in the said synod, and be exercised by it for the purpose therein declared: Provided always, that nothing hereinbefore contained shall be held in any way to restrict or abridge the full exercise by the said first or any subsequent synod of the powers by the first section of this Act given, or to restrain the said first or any subsequent synod from regulating and defining the duration of the said first or any subsequent synod, or from altering the number or qualifications of the several orders of which such synods are composed or the qualifications of electors, or from dealing otherwise than is hereinbefore provided for, in respect of any of the matters or things hereinbefore mentioned or referred to, save and except the matters reserved in and by the proviso to the said first section.

First Synod's powers.

Proviso.

VI. It shall be lawful for the first or any subsequent synod assembled under the authority of this Act by any statute, ordinance, or reso-

Corporation to be nominated by the synod.

lution, to be by such synod for that purpose passed, to nominate any number of persons being members of the said communion to act as a corporation for the purposes hereinafter mentioned, and upon such statute, ordinance, or resolution being recorded in the office of the Registrar of Records at Nassau, which record the said Registrar is hereby authorised and required to make when thereto requested, such persons and their successors to be appointed as hereinafter provided for shall become a corporation, with continuance for ever, under the style of "The Incorporated Trustees of the Church of England in the Bahamas," with full power and authority to have and to use a Common Seal, and as trustees for the said Church to receive, take, hold, or otherwise dispose of all descriptions of property, both real and personal, and shall and may be able and capable in the law to sue and be sued, answer and be answered in any court or courts or elsewhere, in all actions or causes whatsoever, for, touching, or concerning the same: Provided always, that the change, succession, and renewal of the members of the said corporation, and the constitution and government thereof, and the beneficial uses and disposal of the property to be held in trust by them as aforesaid, shall be regulated, decided and declared from time to time by the diocesan synod of the said Church.

Proviso.

Status of the Church.

VII. Nothing in this Act contained shall be construed in any way to affect the provisions of the 32 Victoria, chapter 27, or to confer on the said Church a *status* other than that enjoyed by other voluntary religious bodies.

No. 7.

50 Vic. c. 17. *An Act vesting in the "Incorporated Trustees of the Church of England in the Bahamas" certain public property in the Island of New Providence.* (Assented to 6th May, 1887.)

I. On the passing of this Act the legal estate in the lot of land and appurtenances situated in the island of New Providence upon which stands the building, which prior to the passing of the Act of Assembly, 28 Victoria, chapter 30, was used as the District Chapel of St. Agnes, shall vest in "The Incorporated Trustees of the Church of England in the Bahamas" as trustees and for the use of the said Church, freed from the right of the Board of Education of these islands, to use the said building as a schoolhouse.

No. 8.

58 Vic. c. 33. *An Act to enable certain Clergymen of the Church of England in the Bahamas now receiving pay from the Public Treasury to retire from the Service on Superannuation before attaining the age prescribed by Law.* (Assented to 14th June, 1895.)

PREAMBLE.

WHEREAS there are now two clergymen holding offices on the out-lands of the colony who are receiving salary from the Public Treasury:

And whereas one of them, the Reverend William Waddell Duncombe, Incumbent of Saint David, who has served for twenty-nine years, hath by petition prayed for leave to retire from his incumbency—and to have granted to him superannuation allowance based upon a service of forty years:

And whereas in order to effect a saving in the public expenditure of the colony it is desirable to permit the two officers mentioned herein to retire upon superannuation before attaining the age prescribed by law to entitle them so to do: May it therefore please the Queen's Most Excellent Majesty that it may be enacted, and be it enacted by His Honour George Melville, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of the Bahama islands, the Legislative Council and Assembly of the said islands, and it is hereby enacted and ordained by the authority of the same as follows:

I. On the passing of this Act it shall be lawful for each of the persons holding the offices of Incumbent of Saint Philip, Inagua, and Incumbent of Saint David to retire at any time from the Public Service upon superannuation allowance without medical certificate, although he has not attained the age of sixty years, under the conditions hereinafter named.

Certain clergymen enabled to retire on superannuation without medical certificate before attaining the age of 60.

II. Notwithstanding anything contained in the Act of Assembly, 25 Victoria, chapter 20, to the contrary, it shall be lawful for the Governor, acting with the advice of the Council, to grant to each of the Incumbents named in this Act upon his retirement under the authority of the first section of this Act, superannuation allowance under the Act 25 Victoria, chapter 20, although he has not attained the age of sixty years, such superannuation as he may be entitled to under the said Act. *Provided, however,* that no superannuation allowance shall be made hereunder unless the person retiring from office and applying for such superannuation shall submit with his resignation and application a petition from the majority of the members of his congregation throughout the parish, addressed to the Governor in Council, praying that the said party may be allowed to retire from the incumbency held by him, which said petition shall be verified to the satisfaction of the said Governor in Council.

Regulates amount of superannuation to be granted.

Proviso.

III. Upon the resignation of his office by the Incumbent of Saint David the Act of Assembly, 29 Victoria, chapter 24, shall be repealed.

Repeals.

CLASS X.

LAWS RELATING TO LUNATICS AND PERSONS OF UNSOUND MIND.

No. 1.

27 Vic. c. 11. *An Act for providing for the Safe Custody of certain Criminal Offenders.* (Assented to 25th April, 1864.)

See this Act *in extenso*, ante, Part II., Class III., No. 8.

No. 2.

51 Vic. c. 5. *An Act to provide for the payment of Expenses incurred in the removal of Criminal Lunatics from these Islands to any other part of Her Majesty's Dominions.* (Assented to 28th March, 1888.)

I. Whenever any insane person detained in custody under the provisions of the Act of Assembly, 27 Victoria, chapter 11, by order of the General Court of the Colony shall be removed therefrom to any Lunatic

Lawful to defray expenses for the removal of lunatics.

Asylum in any other part of Her Majesty's Dominions, by virtue of and under the authority and direction of a warrant issued under the Imperial "Colonial Prisoners' Removal Act, 1884," it shall be lawful for the Governor in Council to defray out of the Public Treasury of these Islands by warrant in the usual manner, all expenses incurred in the removal of such insane person, and for the future maintenance of such person in any Lunatic Asylum in Her Majesty's Dominions to which such person may be conveyed by virtue of the before-mentioned warrant, and of his return therefrom should such event take place.

Repeals.

II. The Act of Assembly, 50 Victoria, chapter 9, shall be and the same is hereby repealed.

No. 3.

53 Vic. c. 8. *An Act to provide for the payment of Expenses incurred on the Trial of Persons belonging to these Islands in foreign countries in which Her Majesty exercises jurisdiction over British Subjects.* (Assented to 27th March, 1890.)

Expenses of criminal lunatics in a foreign country.

I. Where a person, a native of these Islands, commits an offence in a foreign country in which Her Majesty exercises jurisdiction over British subjects and is tried, and is either convicted or acquitted on the ground of insanity, all expenses connected with his removal to the place to which he is to undergo his sentence, or be confined as a criminal lunatic, and of his maintenance during his imprisonment or confinement, and any other expenses incident to his conviction or his acquittal on the ground of insanity, and which have been incurred on behalf of Her Majesty's Government, shall be paid out of the Public Treasury of these Islands.

Payment.

II. It shall be lawful for the Governor in Council to issue his warrant upon the Public Treasury for the payment of any expenses incurred as aforesaid, upon a claim being made therefor, and being satisfied that the person in respect of whom such expenses are claimed is a native of these Islands.

No. 4.

53 Vic. c. 29. *An Act to consolidate and amend certain Acts relating to the Treatment of Persons of Unsound Mind.* (Assented to 16th May, 1890.)

Title of Act.

I. This Act may be cited for all purposes as "The Lunacy Act, 1890."

Mad or insane persons, how to be dealt with.

II. It shall be lawful for any two or more Justices of the Peace of whom in New Providence a Stipendiary and Circuit Magistrate and at an Out-Island the Resident or Assistant Resident Justice of the District shall be one when it shall be made to appear to them upon the oath of one or more credible witnesses that any person is furiously mad, or so far insane as to render it dangerous for such person to be permitted to go at large, to cause such person to be apprehended and kept in some secure place within the Island or District, where such person shall be found until he or she can be transferred to the New Providence Asylum, and such Justices are hereby authorised to issue all necessary warrants and to make all necessary orders for the purpose, or any of the purposes aforesaid, all of which warrants and orders it shall be incum-

bent on the person or persons to whom the same may be directed to obey and carry into effect according to the exigencies thereof.

III. Every constable who shall have knowledge that any person wandering at large within any district is deemed to be a lunatic shall immediately apprehend and take such person before a Justice of the Peace, who is hereby empowered to issue all necessary orders for detaining such persons in some secure place until they can be brought before two Justices of the Peace for the Colony, as immediately hereafter provided for.

Duty of constables to apprehend any person wandering at large and deemed to be a lunatic.

IV. It shall be lawful for any two Justices of the Peace for the Colony, one of whom shall be a Stipendiary and Circuit Magistrate, or a Resident or Assistant Resident Justice, upon its being made to appear to them upon the oath of one or more witnesses, that the person so found wandering at large is a lunatic and a proper person to be taken charge of and detained under care and treatment, by warrant under their hand and seal to direct such person to be received into the New Providence Asylum, and it shall be incumbent on the person or persons to whom such warrant may be directed to obey and carry into effect the same according to the exigencies thereof.

Any two Justices of the Peace may commit a lunatic wandering at large to the New Providence Asylum.

V. Whenever it shall appear to a Stipendiary and Circuit Magistrate, or to a Resident or Assistant Resident Justice before whom a person is brought, charged with an offence punishable on summary conviction, that such person is of unsound mind, he shall associate with himself another Justice of the Peace to inquire into the same, and it shall be lawful for such Justices, upon its being shown by oath of one or more witnesses that the prisoner is a lunatic, or so far insane as not to be responsible for his acts, to issue a warrant directing his confinement in the New Providence Asylum, and all persons to whom the same may be directed are required to give due obedience thereto.

A prisoner of unsound mind may be confined in the asylum.

VI. The Resident Surgeon Superintendent of the Asylum shall within twenty-four hours after the admission of any person, who shall have been committed as a lunatic or insane person under the provisions of this Act, forward to the Chairman or acting Chairman of the Commissioners of the New Providence Asylum a report on the mental condition of such person.

Report to be made to the Chairman of the Commissioners of the asylum.

VII. No person committed to the Asylum under the provisions of this Act shall be detained therein after the expiration of thirty days without an order from the said Commissioners of the said Asylum, such order to be in the form in the Schedule to this Act annexed marked A, and to be signed by the Chairman or Acting Chairman of the said Commissioners, and no such order shall be issued until it shall be carefully ascertained by the report of two medical practitioners that the person committed is a lunatic, or of weak or unsound mind, and a proper person to be placed under restraint.

Order of Commissioners of the asylum for detention.

VIII. No insane person shall be discharged from the Asylum save as aforesaid without an order of the said Commissioners, in the form in the Schedule hereto annexed marked B, signed by the Chairman or Acting Chairman thereof, which order shall not be made until after due investigation and inquiry, and except upon the production of a medical certificate signed by two medical practitioners, one of whom shall be the Resident Surgeon Superintendent, who shall certify that the patient is not insane, or an idiot or has so far recovered his sanity that he may with safety to the general public be discharged.

Order of Commissioners of the asylum for discharge of insane patients.

IX. Every report made by the medical practitioners appointed to examine a person detained in the Asylum by virtue of this Act shall be accompanied by a statement containing the particulars set out in the form of statement annexed to this Act.

Statement to accompany report.

X. The said Commissioners of the said Asylum may for the purposes of this Act order the holding of an inquiry, and appoint one or more

Inquiry to be held.

Expenses.
Proviso.

Relatives of insane persons to contribute towards their support.

How insane person may be discharged from asylum.

Proviso.

Report before discharge.

Permits the removal of an inmate of the Lunatic Department to any other part of the asylum and beyond it.

Still deemed to be in confinement under the law, and may be taken back to original place of confinement.

Commissioners empowered to frame rules.

persons by whom such inquiry shall be held, and fix the rate of remuneration to be paid to any person or persons whether professional or otherwise for any services rendered in pursuance of any order, and to defray out of the Public Treasury all expenses attendant upon such inquiry as well as any other expenses which may be incurred in carrying into effect the provisions of this Act. Provided, however, that the rate of remuneration to be paid to persons hereunder shall not be fixed at a higher rate than is now paid for such services.

XI. If it shall be made at any time to appear to the satisfaction of the Commissioners of the said Asylum that the father, mother, husband, wife, child or children, of any insane person is or are of sufficient ability wholly to support or to contribute to the support of such insane person, it shall be lawful for the Commissioners to obtain an order of maintenance or contribution in the like manner as is provided by the 39 Victoria, chapter 10, sections 1 and 2, the provisions of which Act are hereby extended and made applicable for such purpose.

XII. It shall be lawful for the said Commissioners of the said Asylum upon the petition of any relative or friend of any lunatic or person of weak or unsound mind confined in the said Asylum, under the authority of this Act, to grant an order for the discharge of such insane person upon such relative or friend entering into recognizance with or without approved sureties to be taken before such persons as the said Commissioners of the said Asylum may direct for the safe custody, due maintenance, proper care, treatment, and supervision of such insane person as well as for his or her peaceable behaviour. *Provided always*, that no such order shall be granted unless the Resident Surgeon Superintendent of the said Asylum shall certify that the person whose release is desired is not a dangerous lunatic or dangerous idiot.

XIII. It shall be the duty of the Resident Surgeon Superintendent of the said Asylum to report to the said Commissioners of the said Asylum whenever, in his opinion, any person confined therein may with propriety and safety to the public be discharged therefrom.

XIV. The Commissioners of the New Providence Asylum shall have authority, upon the same being recommended by the Resident Surgeon Superintendent of the Asylum as being necessary or desirable, to direct and permit the removal under proper supervision and control of any lunatic confined in the said Asylum from the Lunatic Ward to any other part of the Asylum, and also to permit any such lunatic whenever his state of health requires it to take exercise without the grounds of the said Asylum under the control of an officer of the institution in such manner as the said superintendent may direct.

XV. Lunatics whilst being allowed the privileges accorded by the 14th section of this Act shall be deemed to be in confinement under and subject to the provisions of the law, by virtue of which they were originally committed to the said Asylum, and shall and may be taken back to the place of confinement from which they may have been removed, and there again kept without any further or other authority than the original orders under which they were received into the custody of the authorities of the said Asylum.

XVI. The Commissioners of the New Providence Asylum are hereby empowered to frame such rules for the proper management and control of all persons confined under the authority of this Act as the said Commissioners may from time to time deem necessary, and the same to amend and abrogate as occasion may require, which rules upon being confirmed by the Governor in Council, and published in the official newspaper in which Government Notices are for the time being published, shall have the force and effect of law.

XVII. It shall be the duty of the Resident Surgeon Superintendent of the Asylum upon the death of any lunatic detained and being in the said Asylum at once to notify the same to the coroner for the Island of New Providence.

Coroner to be notified of death of lunatic in N. P. Asylum.

XVIII. Upon receiving such notification from the said Resident Surgeon Superintendent, it shall be the duty of the said Coroner to proceed without delay to hold an inquest on the body of said deceased lunatic.

Inquest to be held.

XIX. The second, third, fourth, and fifth sections of Act 50 George 3, chapter 20, shall apply to inquests held under the authority of this Act in the same manner as if the same were incorporated in this Act and declared to be a part of the same.

Parts of 50 Geo. 3, c. 20 to apply to inquests.

XX. If upon any inquest held under this Act it shall appear to the coroner or the majority of the jury that there is a necessity for a *post mortem* examination on the body of the lunatic into the cause of whose death the inquiry is then being made, it shall be lawful for the said Coroner to issue his order to any legally qualified medical practitioner being in actual practice in the Island of New Providence requiring such medical practitioner to attend and give evidence at such inquest and to perform a *post mortem* examination with or without an analysis of the contents of the stomach or intestines of the deceased lunatic.

Authorises holding of *post mortem* examination.

XXI. Any medical practitioner failing to obey an order issued by the Coroner as aforesaid shall be liable to the same penalty as is now imposed upon a medical practitioner disobeying an order issued by the Coroner under the 12 Victoria, chapter 6, which penalty hereby imposed shall be recovered in the manner provided for the recovery of penalties under the said Act.

Penalty on medical practitioner.

XXII. The same fees shall be paid to a medical practitioner giving evidence and performing any services at an inquest held under this Act as are now allowed by law to a medical practitioner attending before a Coroner's inquest in other cases, and giving evidence or performing any services in relation thereto.

Fees of medical practitioner.

XXIII. All expenses connected with the holding of any inquest authorised by this Act shall be paid out of the Public Treasury by warrant in the usual manner.

Expenses to be paid.

XXIV. The following Acts and parts of Acts shall be and the same are hereby repealed:—

Repeals.

39th section, 36 Victoria, chapter 15.

45 Victoria, chapter 4.

47 Victoria, chapter 16.

48 Victoria, chapter 4.

52 Victoria, chapter 3.

Provided that such repeal shall not effect the validity of any act done under the authority of the said Statutes, all which acts shall be deemed to have been done under the authority of this Act in so far as may be necessary for the detention of any person committed to the Asylum.

Proviso.

SCHEDULE.

A.

The Commissioners of the New Providence Asylum having caused a person committed to the New Providence Asylum under and by virtue of the provisions of "The Lunacy Act, 1890," to be examined by (here insert the names of the medical practitioners holding the examination) two medical practitioners appointed for such purpose, and it having been reported by the said (here again insert names of medical practitioners) that the said

Form for detention of lunatic.

is a (here insert *lunatic, insane*)

person, or person of weak or unsound mind, as the case may be) and a proper person to be confined, doth hereby direct that the said be detained in the said Asylum until released therefrom as provided by law.

A. B.,

Chairman or Acting Chairman
of Commissioners (as the
case may be).

B.

Form of patients'
discharge.

The Commissioners of the New Providence Asylum having caused (here insert name of person detained) a person detained in the New Providence Asylum under and by virtue of the provisions of "The Lunacy Act, 1890," to be examined, and having received a report signed by (here insert name of medical practitioner signing report) and the Resident Surgeon Superintendent of the said Asylum certifying that the said (name of person in detention) is not (here insert *insane or an idiot or has so far recovered his sanity that he may with safety to the general public be discharged*, as the case may be), do hereby order that the said (name of person in detention) be discharged from the said Asylum.

Dated this day of

A. B.,

Chairman or Acting Chairman
of Commissioners (as the
case may be).

Statement of
certain facts.

STATEMENT.

Name of person and Christian name at full length.
Sex and age.
Married, single, or widowed.
Condition of life and previous occupation (if any).
Last abode.
Length of time insane.
Whether first attack.
Age if known on first attack.
Whether subject to epilepsy.
Whether suicidal or dangerous to others.

PART VI.

CLASS I.—Sanitary Regulations.

CLASS II.—Weights and Measures.

CLASS III.—Public Markets and Slaughter House.

CLASS IV.—Lumber Measurers and Admeasurements.

CLASS V.—Rates of Wharfage and Storage regulated.

CLASS VI.—Contracts of Service.

CLASS VII.—Rates of Cartage and Drayage, and Hire of Hackney Carriages regulated.

CLASS VIII.—General Police Regulations.

CLASS IX.—Regulation of Billiard Tables.

CLASS X.—Landing of Cattle and user of same in Streets.

CLASS I.

SANITARY REGULATIONS.

For regulations as to places of burial and depth of graves, see *ante*, Part V., Class IV., Burials and Burial Grounds.

SUPPLY OF ICE.

No. 1.

20 *Vic. c. 4. An Act to make provision for the better securing a supply of Ice during the Sickly Season of the year.* (3rd April, 1857.)

WHEREAS it is highly desirable and necessary on sanitary grounds PREAMBLE.
to ensure a supply of ice being kept for sale in the Island of New Providence, particularly during the season of the year in which fevers most usually prevail: **AND WHEREAS** experience has proven that, owing to the large losses sustained in the importation of ice, no person is willing to lease the public ice-house, and enter into a contract to keep for sale constantly, or during the sickly season, a regular supply of ice without some pecuniary aid from the Colonial Government: **AND WHEREAS** it is expedient for manifest sanitary reasons to afford such aid, and at the same time to make provision for the really indigent sick obtaining gratuitously from the contractor receiving the aid in question such ice as may be prescribed for him by his medical attendant; May it, &c.

I. That it shall be lawful for the Governor in Council, by warrant in the usual manner, to pay out of the Treasury of the colony any sum not exceeding the sum of one hundred pounds per annum, for a period of five years, to any person or persons who shall enter into a valid contract with the Colonial Secretary for the time being, to occupy the

£100 per annum for five years, authorised to be expended for a supply of ice at Nassau, New Province, between the

1st of May and
1st of December
in each year, by
contract.

Provision for the
gratuitous supply
of ice to indigent
sick persons.

Spirits, malt
liquor and wine
not to be sold at
such ice-house.

If no contract
for ice is obtain-
able, then it is
lawful for the
Governor in
Council to cause
an adequate
supply of ice to
be imported, and
kept in the
public ice-house
for sale, and to
defray the ex-
pense thereof, to
the extent autho-
rised by the first
section of this
Act.

Not lawful to
allow spirituous
liquor to be
drank in such
ice-house; nor
any games what-
soever to be
played therein,
under a penalty
of £10.

public ice-house in the town of Nassau, in the Island of New Providence, and to keep therein a constant, regular, and sufficient supply of ice for sale for the entire period aforesaid, or at least for the time intervening between the first day of May and the first day of December, in each and every year of such period, that being the season during which dangerous fevers are most likely to prevail, and who, in and by his or their contract, shall further undertake and bind himself or themselves to supply ice gratuitously to any really indigent sick person for whom it may be prescribed by any duly authorised medical practitioner in the Island of New Providence, in attendance upon such person, upon the production to the keeper of the ice-house of a medical certificate, specifying the name of the person for whom the ice is required, that he is sick, indigent, and unable of himself to buy and pay for it, and also the quantity prescribed.

II. That it shall be lawful for the Governor in Council to require from the ice contractor or contractors, and cause to be inserted in the contract aforesaid, such covenants and stipulations as may appear best calculated to secure the objects of this enactment, and especially a covenant or stipulation that the said ice-house shall not nor shall any part of the building be used in any way as a shop or place for the sale, by retail or wholesale, of spirituous or malt liquors, or wine, either directly or indirectly.

III. That in the event of the Governor in Council not being successful in obtaining a contract for the supply of ice, as is contemplated in and by the first section of this Act, it shall be lawful for him, with the advice and consent of the Executive Council, to cause an adequate supply thereof to be imported and kept in the public ice-house for sale, and for the use of the indigent poor, upon the conditions already mentioned, for and during the aforesaid period of five years, and to defray the expense of such importation to the extent of the provision hereinbefore made, and in the said first section particularly specified: Provided, however, that the net proceeds of the sale of the ice be paid to the Receiver-General of the colony, and an account of such sale be at the same time lodged with him, and all sums of money received by him by virtue of this proviso, shall be entered in the books of the said office, to a special account to be designated "The Ice Fund," and all payments of money made on account of the importation or purchase of ice shall be charged to said account.

IV. That it shall not be lawful to allow spirituous liquors to be drank in such ice-house, nor any games whatsoever, whether for money or otherwise, to be played therein, under a penalty of ten pounds, to be paid by the occupier of such ice-house, for every violation of this enactment; one moiety of which penalty shall be paid to the person giving information of the offence, and the other moiety shall be paid into the Public Treasury to the credit of the Ice Fund by this Act created.*

No. 2.

23 Vic. c. 10. *An Act entitled An Act to amend the Act of Assembly 20 Vic. c. 4, entitled 'An Act to make provision for the better securing a supply of Ice during the sickly season of the year.'*" (12th April, 1860.)

PREAMBLE.

WHEREAS certain restrictions are by the second and fourth sections of the Act of Assembly, 20 Vic. c. 4, imposed upon the parties occupying the public ice-house, in the town of Nassau, as con-

* Continued in force by 52 Vic. c. 16.

tractors for the supply of ice, and the said restrictions are found to be prejudicial to the said contractors; May it, &c.

I. That it shall be lawful for the Governor in Council from time to time to suspend the operation of the said second and fourth sections of the said recited Act in favour of the said contractors, or in favour of any future contractors, upon such contractors entering into an agreement binding themselves to keep, and well and truly performing the same by keeping a sufficient quantity of ice in the said ice-house, for sale and disposal and gratuitous delivery, as provided for in the said Act, for the entire period of every year during the continuance of any such their contract: Provided, however, that no gambling shall be permitted, nor shall any spirituous liquors be sold in any part of the said ice-house; and if the said contractors shall permit or suffer any person to gamble, or any spirituous liquors to be sold therein, they shall be liable to a penalty of not less than fifty pounds.*

Certain sections of former Act may be suspended.

COMMON LODGING HOUSES.

No. 3.

22 Vic. c. 22. *An Act for the well ordering of Common Lodging-Houses.* (30th April, 1859.)

I. That by the term "ordinary lodging-houses" referred to in this Act, shall be understood only such as shall be occupied in whole or in part by parties (whether seamen or lower class of emigrants) who come under the provisions of the Passengers' Act of the Imperial Parliament, or under those of any statutes affecting shipwrecked seamen of any nation.

Explanation of the term "ordinary lodging-houses."

II. That it shall not be lawful for any householder in Nassau to lodge such shipwrecked mariners or emigrants within that portion of the town of Nassau included between Culmer Street in the east, and West Street to the west, under a penalty not exceeding five pounds: Provided, however, that nothing herein contained shall be construed as preventing a householder residing within the limits of the town as aforesaid from accommodating one family or a single individual.

Limitation of boundaries in town of Nassau, in which it is declared unlawful to lodge shipwrecked mariners or emigrants.

III. It shall be the duty of the medical inspector to visit each such "ordinary lodging-house," whilst so occupied as aforesaid, once a week for the purposes of inspecting the premises in reference to any matters which may be connected with the cleanly and sanitary condition of the house and premises as defined by the Act of the Bahama Legislature, 19 Vic. c. 7. And it shall be further lawful for any one of the following named officers, (that is to say:) any member of the Board of Health, the inspector of police, the shipping master, or the emigration officer, at reasonable hours to enter upon the premises of any such "ordinary lodging-house for the purpose of inspecting the same or any of the out-buildings connected therewith, without being required to give a previous notice of twenty-four hours to that effect, anything in the thirty-third section of the before-recited Act, 19 Vic. c. 7, to the contrary notwithstanding.

Duty of medical inspector to visit ordinary lodging-houses for the purposes specified.

IV. And the keeper of a common lodging-house, and every other person having or acting in the care or management thereof, shall at all reasonable times, when required by any one of the above-named officers, give him free access to such house, or to any part of the premises thereof.

Officers named in preceding section to have free access to ordinary lodging-houses.

Duty of keeper of ordinary lodging-house in case of any serious malady occurring among his lodgers.

V. In case of any serious malady occurring in the person of a passenger or seaman after being landed and lodged, the keeper of the lodging-house, or the medical practitioner in attendance on the inmates thereof, shall, within twenty-four hours after the occurrence of the same, give notice thereof to the medical inspector, who shall without delay visit and inspect the same, reporting, if need be, on the nature of the case to the Board of Health; and if the keeper or medical practitioner as aforesaid shall neglect to do so, he, or either of them, shall, on conviction before the police or acting magistrate, be liable to a penalty not exceeding twenty pounds for every such neglect.

Power of Governor to authorise removal to quarantine station of any sick patient in any such ordinary lodging-house, on the recommendation of the Board of Health.

VI. On the recommendation of the Board of Health that any such sick person should, for the better protection of the public health, be removed, it shall be lawful for the Governor to authorise the same, and the Board of Health may cause such patient to be removed to the quarantine station, thereafter to be governed by the provisions of any Act now in force, or hereafter to be enacted, controlling matters of quarantine, the expense of such removal to be a charge, in the case of a foreign vessel, on the consul or consular agent of the particular State to which his shipwrecked vessel belonged.

Duty of keeper of ordinary lodging-house in respect cleanliness.

VII. The keeper of a common lodging-house shall thoroughly cleanse all the rooms, passages, stairs, floors, and ceilings to the satisfaction of, and so often as shall be required by, any competent inspecting authority, or in conformity with any regulation or bye-law made by the Board of Health and confirmed by the Governor in Council.

Power of Board of Health to make bye-laws for regulation of ordinary lodging-houses.

VIII. That it shall be lawful for the Board of Health from time to time to make bye-laws for the regulation of common lodging-houses, and the same from time to time to alter and amend; and all such bye-laws, and amended and altered bye-laws, when approved of by the Governor in Council, shall have the force and effect of law, and copies thereof shall be supplied to all parties concerned.

No. 4.

26 Vic. c. 9. *An Act to amend the Act for the ordering of Common Lodging-Houses.* (Assented to 26th May, 1863.)

Original Act extended to all seamen, firemen, and others below the grade of a petty officer.

That the said recited Act shall extend to all seamen, firemen, and other persons below the grade of a petty officer, who may arrive at the port of Nassau in any ship or vessel from any other port or place, and who may quit or be discharged at the said port of Nassau, from the vessel in which they may have so arrived, and it shall not be lawful for any person to lodge such seaman, fireman, or other persons as aforesaid within the limits defined by the second section of the said Act under the penalty by the said section imposed, which penalty shall in all cases be deemed and held to be a penalty for each day on which or for any part of which persons are lodged in contravention of the said Act or of this Act.

No. 5.

28 Vic. c. 12. *An Act to amend the Laws for the well ordering of Common Lodging-Houses.* (Assented to 28th March.)

Lodging-houses to be registered.

I. The keeper of every common or ordinary lodging-house which shall be in existence at the time of the passing of this Act shall, within twenty days after such passing, cause his house to be registered in manner hereinafter provided for.

II. No common or ordinary lodging-house shall be opened, after the passing of this Act, for the reception of lodgers until the person intending to keep the same shall cause his house to be registered as hereinafter provided for.

III. The inspector of police shall, on the passing of this Act, provide, at the public expense, a book to be kept by him as a register of common lodging-houses, in which every person keeping, or intending to keep, a common or ordinary lodging-house shall cause his or her house to be registered, the following particulars being set forth in every such registry, that is to say:

- 1st. The name of the street in which the house is situated;
- 2nd. The number of floors and rooms in such house;
- 3rd. The number of out-buildings, and the particular use to which they are to be applied; and
- 4th. The name of the keeper.

IV. On any lodging-house being registered as aforesaid, the inspector of police shall notify the same to the Board of Health, and such board shall forthwith inspect such lodging-house, and the premises attached thereto; and if satisfied that such house, with its appurtenances, is a fit and proper one to be used as a common or ordinary lodging-house, a certificate thereof shall be granted under the hand of the chairman of the said board, or a majority of the members thereof, which certificate shall be forwarded to the inspector of police, who shall note the same in his registry, and thereupon the lodging-house so inspected and approved of shall be and become a common and ordinary lodging-house under the provisions of the said Act.

V. It shall be lawful for the Board of Health, for good and sufficient cause, to cancel any certificate granted under this Act.

VI. After one month from the passing of this Act it shall not be lawful for any person to keep a common or ordinary lodging-house without having obtained a certificate as aforesaid, nor to keep any such house after any such certificate shall have been cancelled, under a like penalty to that which is imposed by the 2nd section of the 22 Vic. c. 22.

No common lodging-house to be opened until registered.

Inspector of police to keep a register of lodging-houses, &c., &c.

Inspector of police to receive certificate from Board of Health before any lodging-house may be opened.

Certificates may be cancelled.

Lodging-houses may not be kept without a certificate.

VACCINATION AND SMALL-POX.

No. 6.

23 Vic. c. 3. *An Act to promote General Vaccination.* (12th April, 1860.)

I. That it shall be lawful for the Governor of these islands from time to time to appoint persons to act as vaccinators for the various districts, parishes, or towns within the colony, or for any sub-division of any such district, parish, or town as the Governor may think fit to make, for the purposes of this Act, whose duty it shall be from time to time, under and subject to the provisions of this Act, to vaccinate such of the indigent poor as may require their services for that purpose.

II. That it shall be the duty of each public vaccinator semi-annually to take the most effectual means for giving to all persons resident within his district due notice of the place and of the day and hours at which such vaccinator will attend to vaccinate such poor persons, not having been already successfully vaccinated, as may then appear there for that purpose, and also of the day and hour at which such vaccinator will attend at such place to inspect the result of such vaccination.

III. In case of any infant of tender age vaccinated under the provisions of this Act, it shall be the duty of the person who shall have brought

Governor may appoint vaccinators.

Vaccinators to give notice within their district.

Vaccinators to inspect the result of vaccination.

such infant to be vaccinated to cause such infant on the eighth day following the day on which the infant shall have been so vaccinated to be again brought before the vaccinator by whom the operation was performed, or any other vaccinator lawfully acting for him; and in case of any person of years of discretion being vaccinated as aforesaid, it shall be his duty on the eighth day as aforesaid again to come before the said vaccinator, or other person lawfully acting as aforesaid, in order that he may ascertain by inspection the result of the operation; and any person omitting or neglecting to comply with the requirements in this clause contained shall, unless a good and sufficient reason for such neglect be shown, forfeit and pay a fine not exceeding two shillings.

Vaccinators to keep register.

IV. That it shall be the duty of each vaccinator, immediately after the vaccination of any person under the authority of this Act, to enter upon the register sheet, to be furnished him for that purpose as hereinafter provided, the particulars required to be registered according to the form in the schedule to this Act annexed, and after inspection on the eighth day as aforesaid then the vaccinator so inspecting, if a duly qualified medical practitioner, by his own signature in the proper column certify the result thereof, whether successful or unsuccessful; but if such vaccinator shall not be a duly qualified medical practitioner, it shall be his duty, when any vaccination shall be unsuccessful, to certify the same in the proper column, by his own signature; but if successful, then to obtain the signature of some justice of the peace, together with his own, certifying thereto.*

Register to be transmitted to the secretary's office.

V. That every vaccinator shall, as soon as practicable after the last day of June and December in every year, deliver or transmit by some safe conveyance to the office of the public secretary and registrar of records at Nassau every such sheet upon which entries shall have been made as aforesaid under the authority of this Act during the half year ending on the said last day of the said months respectively.*

Fees of vaccinators.

VI. That for each successful vaccination so performed, registered, and certified as aforesaid, the vaccinator performing the same, if a duly qualified medical practitioner, shall be entitled to receive a fee of two shillings sterling, and if not a duly qualified medical practitioner, he shall be entitled to receive only one-half of the amount aforesaid, to be paid to such vaccinator out of the public treasury, by warrant of the Governor in Council, on the certificate of the public secretary that such vaccinator's half-yearly returns have been by him received, and that the same in all respects conform to the provisions of this Act.†

Inoculation declared unlawful.

VII. Whereas the use of variolous matter for the purpose of producing, by inoculation therewith, a modified small-pox is dangerous to a community, as tending to propagate a virulent and contagious disease; and whereas the practice of inoculating by matter taken from the body of a patient labouring under small-pox has been by law prohibited in Great Britain: Be it enacted, that it shall not be lawful for anyone, either during the prevalence of an epidemic of small-pox or at any other time, to inoculate any person with variolous matter, under any pretence whatsoever, and any person so offending shall be liable to a penalty not exceeding five pounds.

Board of Health to procure vaccine virus.

VIII. It shall be lawful for the Board of Health, and they are hereby empowered to take the necessary steps for procuring, from time to time, as may be required, a supply of genuine vaccine virus, and from time to time to issue the same to the parties duly authorised as aforesaid to perform vaccinations under this Act, and the necessary expenses con-

* These sections apply to all medical practitioners. See 45 Vic. c. 10, *post*, No. 10.

† The fee for a successful vaccination is reduced one-half by the 13th section, 84 Vic. c. 3.

nected therewith shall be defrayed out of the public treasury by warrant of the Governor in the usual manner.

IX. It shall be the duty of the Board of Health to prepare and have printed a set of instructions for the information and guidance of magistrates, or other non-professional persons, who may be appointed public vaccinators, a copy of which instructions shall be forwarded by the Colonial Secretary to each such person, and it shall be the duty of every such non-professional vaccinator carefully to conform to the principles and practice therein contained.

Board of Health to prepare instructions for vaccinators.

X. That a sufficient number of forms for the registry of vaccinations according to the form in the schedule to this Act annexed shall from time to time be procured at the public expense and furnished to such vaccinators from the office of the public secretary and registrar of records.

Forms to be printed.

XI. All penalties by this Act imposed shall be recoverable before any one or more of Her Majesty's justices of the peace, and shall be paid into the treasury of these islands in aid of the public revenue of the colony.

Recovery of penalties.

XII. That the Act 8 Vic. c. 41, shall be and the same is hereby repealed.

Former Act, 8 Vic. c. 41, repealed.

No. 7.

24 Vic. c. 21. *An Act to afford further protection to the Health of the Colony from the extension of Small-Pox.* (11th May, 1861.)

I. That from and after the passing of this Act it shall not be lawful for anyone to expose in any market, road, or street, or other place of public resort, any sick person who may be affected with small-pox, and any person so offending shall, on conviction before any justice of the peace, be liable to a penalty not exceeding ten pounds, or in default thereof to imprisonment for any period not exceeding sixty days.

Unlawful to expose in any public place a person afflicted with small-pox.

II. That it shall not be lawful for any person whilst labouring under an attack of small-pox, to go out into any street, road, market, or other place of public resort, nor until at least seven days after the eruption shall have fully dried off, and until his clothing and bedding shall have been immersed in boiling water and thoroughly cleansed, under a penalty, on conviction thereof before any justice of the peace as aforesaid, not exceeding eight pounds, or in default thereof to imprisonment for any period not exceeding forty days.

Unlawful for any person labouring under small-pox to go into any street, &c.

III. That it shall be the duty of any member of the police force who may discover any such offender, immediately to use all necessary force to compel his or her return to his or her place of abode, and immediately thereafter to report the same to the proper police authorities, and in case of the parties aforesaid being destitute, it shall be the duty of the said police officer to report the same without delay to the medical inspector, or to any member of the Board of Health, to be dealt with as hereinafter enacted.

Duty of police in cases of persons afflicted with small-pox violating this.

IV. That any person so exposed as referred to in the first section of this Act, or so offending under the second section, shall, if in destitute circumstances, and the exposure takes place or offence be committed in the Island of New Providence, be sent forthwith to the quarantine station, there to be detained and attended until sufficiently recovered to authorise his or her release therefrom; and the Board of Health, or any member thereof, is hereby authorised and empowered to cause his or her removal thereto; and in case the exposure take place or offence be committed on an out-land of the Government, the person being in destitute circumstances as aforesaid shall be sent to such place as the

Destitute offenders under 1st and 2nd clauses, if in New Providence, to be sent to the quarantine station; if on out-islands to be under the charge of the local board of health or local justice.

Payment of
expenses autho-
rised.

Local Board of Health, if any, or if there be no Board of Health, as any justice of the peace present at the time shall direct, to be taken care of at the public expense, the necessary expense of such removal, attendance, and sustenance whilst so detained to be defrayed under such rules and regulations as shall from time to time for this purpose be made by the Board of Health, subject to the confirmation of the Governor in Council, and shall be defrayed out of the public treasury by warrant in the usual manner.

No. 8.

25 Vic. c. 9. *An Act to amend an Act for affording further Protection to the Health of the Colony from the extension of Small-Pox.* (Assented to 7th March, 1862.)

Explanatory of
Act hereby
amended.

That the said Act shall not extend or be construed to apply to any person who, while labouring under an attack of small-pox is necessarily obliged to remove, or to be removed, from one place to another.

No. 9.

34 Vic. c. 3. *An Act to amend the Act 23 Vic. c. 3, to promote General Vaccination.* (Assented to 7th March, 1871.)

Duty imposed on
Registrar of
Births.

I. Every registrar of births shall, on or within seven days after the registration by him of the birth of any child not already vaccinated, give a notice, in writing, to the parent, or, in the event of the death, illness, absence, or inability of the parent, to the person having the custody of such child, if known to him, requiring such child to be duly vaccinated according to the provisions of this Act, and such registrar shall in the first week in January, April, July, and October in every year, send a notice to the public vaccinator of his district of the several births which shall have taken place in such district during the preceding three months, and it shall be the duty of every such vaccinator half-yearly, to visit and remain a sufficient time in every part of his district in which births may have been reported to him to have taken place, in order to vaccinate and test the vaccination of all such children as may be there brought to him to be vaccinated.

Children to be
vaccinated
within three
months after
birth.

II. The parent of every child born in the colony shall within six months after the birth of such child, or when by reason of the death, illness, absence, or inability of the parent, or other cause, any other person shall have the custody of such child, such person shall, within six months after receiving the custody of such child, take it or cause it to be taken to the public vaccinator of the vaccination district in which it shall be then resident, according to the provisions of this, or any other Act, to be vaccinated, or shall within such period as aforesaid cause it to be vaccinated by some medical practitioner, and the public vaccinator to whom such child shall be so brought is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate such child: Provided, if the public vaccinator shall not be residing at the particular part of the district in which the parent or other person having charge of the child is living, it shall, in such case, be held to be a sufficient compliance with the terms of this enactment to take, or cause the child to be taken, to the public vaccinator on his visiting the neighbourhood of the place in which such child shall for the time being be resident.

III. Upon the same day in the following week, when the operation shall have been performed by the public vaccinator, such parent, or other person, as the case may be, shall again take the child, or cause it to be taken to him, that he may inspect it and ascertain the result of the operation, and, if he see fit, take from such child lymph for the performance of other vaccinations; and in the event of the vaccination being unsuccessful such parent or other person shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and inspected as on the previous occasion.

Public vaccinator to ascertain the result of vaccinations.

IV. If any public vaccinator or medical practitioner shall be of opinion that the child is not in a fit and proper state to be successfully vaccinated, he shall forthwith deliver to the parent, or other person having the custody of such child, a certificate under his hand to the effect that the child is then in a state unfit for successful vaccination, which certificate shall remain in force for two months, and shall be renewable for successive periods of two months until a public vaccinator or medical practitioner shall deem the child to be in a fit state for successful vaccination, when the child shall with all reasonable despatch be vaccinated, and a certificate of successful vaccination duly given if warranted by the result.

Certificates to be given when children are unfit for successful vaccination.

V. At or before the end of each successive period of two months, the parent or such person as aforesaid shall take or cause the child to be taken to some public vaccinator or medical practitioner, who shall then examine the child and give a certificate to the effect aforesaid so long as he deems requisite under the circumstances of the case.

Certificate to extend two months.

VI. If any such public vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or other person as aforesaid a certificate under his hand to that effect, and the parent or such person as aforesaid shall thenceforth not be required to cause the child to be vaccinated.

Certificate of exemption.

VII. Every parent or person having the custody of a child who shall neglect to take such child or cause it to be taken to be vaccinated, or after vaccination to be inspected, according to the provisions of this Act, and shall not render a reasonable excuse for his neglect, shall be guilty of an offence, and be liable to be proceeded against summarily, and upon conviction to pay a penalty not exceeding twenty shillings.

Penalty for neglecting vaccination or inspection.

VIII. If any registrar of births, or vaccinator, or police officer shall give information in writing to a justice of the peace that he has reason to believe that any child under the age of fourteen years, being within the parish or district for which the informant acts, has not been successfully vaccinated, and that he has given notice to the parent or person having the custody of such child to procure its being vaccinated, and that this notice has been disregarded, the justice may summon such parent or person to appear with the child before him at a certain time and place, and upon the appearance, if the justice shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, nor has already had the small-pox he may, if he see fit, make an order his hand and seal directing such child to be vaccinated within a certain time, and if at the expiration of such time the child shall not have been so vaccinated or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall be proceeded against summarily, and unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable to a penalty not exceeding twenty shillings. Provided that if the justice shall be of opinion that the person is improperly brought before him, and shall refuse to

Penalty for not having a child vaccinated after notice and order of justice.

Proviso.

make any order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the justice.

Sec. 23 Vic. c. 3.

IX. The 4th and 5th sections of the 23rd Vic. c. 3, shall extend, apply to, and govern the proceedings of vaccinators under this Act.

What proof unnecessary in support of prosecution.

X. In any prosecution for neglect to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice from the registrar or any other officer of the requirements of the law in this respect, but if the defendant produce any such certificate as hereinbefore described or the register of vaccinations kept by the registrar as hereinbefore provided, in which the certificate of successful vaccination of such child shall be duly entered, the same shall be a sufficient defence for him except in regard to a certificate of a child not being at the time of its being granted in a fit state for vaccination when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

What defence sufficient.

“Parent” and “medical practitioner” explained.

XI. The word “parent” shall include the father or mother of a legitimate child and the mother of an illegitimate child, and the words “medical practitioner” shall mean a medical practitioner whose diploma has been duly registered as provided by the 9 Vic. c. 20.

Forms for vaccinators.

XII. It shall be lawful for the Governor to cause all forms required by this Act to be framed and printed for distribution to the several public vaccinators.

Fees for vaccination.

XIII. That for each successful vaccination performed, registered, and certified, the vaccinator performing the same, if a duly qualified medical practitioner, shall be entitled to receive a fee of one shilling sterling; and if not a duly qualified medical practitioner he shall be entitled only to receive one-half of the amount aforesaid, and so much of the sixth clause of the 23 Vic. c. 3, which authorises the payment of higher sums be hereby repealed.*

Penalties recovered.

XIV. All penalties imposed by this Act shall be recovered in a summary way before any one of Her Majesty's justices of the peace for the colony or for the district in which the penalty sued for may have been incurred.

No. 10.

45 Vic. c. 10. *An Act to amend the Act 23 Victoria, chapter 3, to promote General Vaccination.* (Assented to 29th March, 1882.)

Returns of medical practitioners.

I. The fourth and fifth sections of the Act 23 Victoria, chapter 3, shall apply to and be obligatory upon all medical practitioners within the colony.

No. 11.

61 Vic. c. 4. *An Act to promote and make more general Vaccination within these Islands.* (Assented to 26th January, 1898.)

PREAMBLE.

WHEREAS it is deemed expedient to promote a more extensive and general system of vaccination throughout the Colony, and the fee at present paid to non-professional vaccinators has been found too small; May it, &c.

* The fee to non-professional vaccinators is increased to one shilling by 61 Vic. c. 4.

I. Upon the commencement of this Act the fee to be paid to non-professional vaccinators for each successful vaccination performed, registered, and certified in accordance with the provisions of Act of Assembly, 23 Victoria, chapter 3, shall be one shilling, and so much of Section 13 of Act of Assembly, 34 Victoria, chapter 3, as provides a lower fee shall be and the same is hereby repealed.

Fee of non-professional vaccinators regulated.
Repeal.

Provided always, that where it appears to the Governor in Council expedient so to do, the fee for each successful vaccination performed by any non-professional vaccinator may be divided between the person performing the vaccination and the person or officer who may be called on to certify thereto.

Proviso.

BOARD OF HEALTH AND GENERAL SANITARY REGULATIONS.

No. 12.

35 Vic. c. 13. *An Act for consolidating the Provisions of certain Acts of Assembly relating to Sanitary Matters.* (Assented to 11th April, 1872.)

I. That it shall be lawful for the Governor, and he is hereby required immediately after the commencement of this Act, to constitute and appoint a Board of Health, to continue and have existence for twelve calendar months, and after the expiration thereof, and once in every year thereafter, to constitute and appoint a like board with a similar existence, to consist of not less than three persons exclusive of *ex officio* members, and it shall be lawful for the Governor from time to time to fill up any vacancy or vacancies which may occur in any such board, or appoint any additional member or members thereto during the period for which any such board shall have been appointed as aforesaid.

Board of Health to consist of not less than three persons, to be appointed annually by the Governor.

II. The medical officer appointed under the 13th section, 32 Victoria, chapter 13, to perform the duties of Inspector of Health, shall be *ex officio* chairman of the said board, and the inspector of police shall be an *ex officio* member of the said board.

The inspector of health and inspector of police to be *ex officio* members.

III. That for the purposes of carrying out the provisions of this Act at the out-island of this Government, it shall be lawful for the Governor, and he is hereby required, upon and after the commencement of this Act, to constitute and appoint local boards at the principal out-islands of this government, and from time to time to fill up vacancies in such boards, and to add members thereto when deemed expedient, and such boards shall, within their respective districts, be invested with all and singular the several powers and authorities by this Act given to the Board of Health.

Local boards with equal powers as Board of Health, to be appointed at principal out-islands.

IV. The resident and assistant resident justices shall within their respective districts be *ex officio* members and chairmen of the several local boards by the next preceding section authorised to be constituted.

Resident and assistant resident justices to be *ex officio* chairmen.

V. That it shall be lawful for the said boards from time to time to make and ordain general rules and regulations for sanitary purposes; all which rules and regulations shall, when confirmed by the Governor in Council, be publicly notified for general information, and shall have the force and effect of law, and shall be carried into execution in the same and in the like manner, as is hereinafter provided for, in the case of the removal of nuisances: Provided, however, that such rules and regulations may at any time, after confirmation, be disallowed by the Governor in Council, and it shall be lawful for any party affected by any such rules to appeal to the Governor in Council thereon.

Power of the board to make rules subject to confirmation by Governor in Council.

Duty of Board of Health to advise Governor, when required, on all subjects affecting the health of the colony.

Medical inspector to report quarterly.

Recommendation of the Board of Health adopted by order of Governor in Council to have the force and effect of law.

Power of Governor in Council when the colony is affected or threatened with certain malignant diseases.

Powers of Board of Health under circumstances referred to in preceding section.

VI. It shall be the duty of the Board of Health to advise the Governor, when so required, on all subjects connected with the health of the colony, and also from time to time to report to the Governor on the existence of any cause which in their opinion may be likely to endanger the health of the inhabitants of the colony, and to recommend such measures as may appear to them judicious for the removal thereof; and in the event of any contagious or infectious disease appearing or prevailing in the colony, it shall be the further duty of the Board of Health from time to time to make special reports thereon, recommending the adoption of such measures as may to the said board appear best calculated to arrest or abate any such disease as aforesaid.

VII. It shall be the duty of the medical inspector quarterly, and oftener if necessary, to inspect and report on the state of all public drains and swamps, and other localities or places, the state of which may endanger, or be likely to endanger the public health.

VIII. That whenever any such Board of Health shall report to the Governor the existence of any local cause or causes in any part of the colony, tending to endanger the health of the inhabitants of such locality, and there shall be no means under the then existing laws of the colony whereby such cause or causes of disease may be removed or guarded against, it shall be lawful for the Governor, acting by and with the advice of the Executive Council, to adopt all such measures as the Board of Health may recommend, or as may otherwise appear to the Governor in Council, to be necessary for removing any such local cause or causes of disease, or otherwise guarding against the probable consequences thereof; and every order issued by the Governor in Council, in the exercise of the power hereby vested in him, and all acts performed in pursuance or under the authority of any such order, shall be held to be, and shall be as good, legal, and valid as if the same was or were authorised in express words by some Act of the General Assembly of the colony, and every person who shall disobey any such order or any part of such order, or shall resist, obstruct, or otherwise oppose any other person in carrying such order, or any part thereof, into execution, shall be guilty of a misdemeanor.

IX. And whereas it is expedient that when any part of this colony shall appear to be threatened with, or affected by, any formidable epidemic, endemic, infectious, or contagious disease, measures of precaution shall be taken with promptitude, according to the exigency of the case: Be it enacted that the Governor in Council may, by Order or Orders in Council, to be made from time to time, and to be publicly notified for general information, direct that the provisions hereinafter contained for the prevention of epidemic, endemic, infectious, and contagious diseases be put in force in the colony, or in such parts thereof, or in such places therein respectively, as in such Order or Orders respectively, may be expressed, and may from time to time, as to all or any of the parts or places to which any such Order or Orders may extend, in like manner revoke, or renew any such Order, and, subject to revocation and renewal as aforesaid, every such Order shall be in force for six calendar months, or for such shorter periods as in such Order shall be expressed.

X. That from time to time after the issuing of any such Order as last aforesaid, and whilst the same shall continue in force, the Board of Health under the hands of two or more members thereof may issue such directions and regulations, as the said Board shall think fit, for the prevention, as far as possible, or mitigation of such epidemic, endemic infectious, or contagious diseases, and from time to time in like manner revoke, renew, and alter any such directions or regulations, or substitute such new directions and regulations as to the said Board may appear expedient, and the said Board may by such directions and regulations provide for the frequent and effectual cleansing of streets and public

ways and places, by the officers or persons by law entrusted with the care and management thereof, or by the owners and occupiers of houses and tenements adjoining thereto, and for the cleansing, purifying, ventilating, and disinfecting of houses, dwellings, churches, chapels, buildings, and other places of assembly, by the owners or occupiers, and persons having the care and ordering thereof, for the removal of nuisances, for the speedy interment of the dead, and generally for preventing or mitigating such epidemic, endemic, infectious or contagious disease, in such manner as to the Board may seem expedient. And the said Board may, by any such directions and regulations, authorise and require any persons employed by them, or otherwise specially appointed for the purpose, to superintend and see to the execution of any such directions and regulations, and to execute or to aid in executing the same, and to do and perform all such acts, matters, and things as may be necessary for superintending or aiding in the execution of such directions and regulations, or for executing the same, as the case may require, and the directions and regulations to be issued as aforesaid, shall extend to all parts and places in which the provisions of this Act, for the prevention of epidemic, endemic, infectious or contagious disease shall, for the time being, be put in force under such orders as aforesaid, unless such directions and regulations shall be expressly confined to some of such parts or places, and then to such parts or places as in such directions and regulations shall be specified and (subject to the power of revocation, alteration, and disallowance herein contained) shall continue in force, so long as the said provisions of this Act shall be in force, under such orders, in the parts or places to which such directions and regulations shall, under this provision, extend: Provided always, that all directions and regulations so given and made, or any revocation, renewal, or alteration thereof, shall have no force, validity, or effect whatever until affirmed and allowed by the Governor in Council; and, provided also, that it shall be lawful for the Governor in Council at any time after such allowance, if he shall so think fit, with the advice of the Executive Council, to disaffirm and annul any such directions and regulations, and such direction and regulation so disaffirmed and annulled shall thenceforth cease to have any force, validity, or effect whatever.

1st proviso.
The regulations of the Board of Health are to be enforced only after affirmed by Governor in Council.

2nd proviso.
Power of Governor in Council to annul such regulations.

XI. That the said Board of Health, in the execution of any such directions or regulations, or the officers or persons by them on that behalf authorised as aforesaid, at reasonable times may and they are hereby empowered to enter and inspect any dwelling or other place if there be ground for believing that any person may have recently died of any such epidemic, endemic, infectious or contagious disease in any such dwelling or place, or that there is any filth or other matter dangerous to health therein or thereupon, or that a necessity may otherwise exist for executing in relation to the premises all or any of such directions and regulations as aforesaid.

Power of Board of Health or its officers to enter and inspect dwellings, places, &c.

XII. That it shall be lawful for the Governor, with the advice of the Executive Council, during the existence, in this colony, of any formidable epidemic, endemic, infectious or contagious disease as aforesaid, to make such provision for the dispensing of medicines, and for affording to poor and indigent persons afflicted by or threatened with such epidemic, endemic, infectious or contagious diseases, such medical and other necessary aid as may be required.

Lawful for Governor in Council to make provision for dispensing of medicine during the prevalence of a malignant disease.

XIII. That in the event of any formidable epidemic, infectious or contagious disease unhappily visiting this colony, it shall be lawful for the Governor, acting with the advice of the council, from time to time to issue Orders in Council designating the particular part or parts of the colony in which such epidemic, infectious or contagious disease is then raging, and declaring that such part or parts of the colony shall, for the

Powers of Governor in Council in event of any formidable epidemic, infectious or contagious disease visiting the colony.

Powers of Board
of Health and
local boards to
enter premises
to inspect
sanitary condi-
tion thereof.

purposes hereinafter mentioned, be considered an infected district or districts, and upon, from, and after the date of every such Order all vessels departing from any port or place designated therein as being a port or place where any such epidemic, infectious or contagious disease is then raging, shall, on their arrival at any other port or place within the colony not so designated, be liable to perform quarantine in such manner as shall be specially regulated by rules, to be framed by the Governor in Council, which rules may from time to time be altered, amended or rescinded, as to the said Governor in Council may seem advisable and expedient, and every such Order shall continue in force until annulled by the same authority.

XIV. It shall be lawful for the Board of Health and for every local Board within its particular jurisdiction at all times, whether during the existence of any such disease as aforesaid or otherwise, for good and sufficient reasons by themselves, or any or either of them, their duly authorised servants or agents, or other person or persons delegated by them for that purpose, to enter at reasonable times in the day time into and upon any lands or buildings wherever situate within the colony for the purpose of inspecting the same, and examining into the state and condition thereof; and if upon any such examination it shall appear that any building so examined is in such a filthy and unwholesome condition as to be a nuisance to or injurious to the health of any person, or that upon any premises so examined there is any foul and offensive ditch, gutter, drain, privy, or cesspool, or any ditch, gutter, drain, privy, cesspool, kept or constructed so as to be a nuisance to or injurious to the health of any person, or that upon any such premises any accumulation of dung, offal, filth, refuse, or other matter or things, liquid or solid, is kept so as to be a nuisance or injurious to the health of any person, or that upon any such premises any swine, cattle, or other animal or animals are or is kept so as to be a nuisance to or injurious to the health of any person, or that upon any such premises there are any holes or cavities which are receptacles for water, and from which any injurious emanations are likely to proceed, it shall be lawful for such Board of Health to make an order in writing, under the hands and seals of any two members thereof, for cleansing, whitewashing, or purifying such building, or for the removal or abatement of any such nuisance as aforesaid, or for the deepening or otherwise altering of such ditch, gutter, drain, or privy, or for the filling up of any such holes and cavities as aforesaid, in such manner and within such time as shall be specified in such order, and such order shall be forthwith served by delivering the same, or a copy thereof, to some person on the premises in respect of which it is made (or in case there be no person found on the premises who can be served), by fixing such order or copy upon some conspicuous part of such premises; and if such order be not complied with, the owner or occupier against whom it is made shall be liable to a penalty not exceeding ten shillings for every day during the continuance of his default, and it shall be lawful for the Board of Health themselves, their duly authorised servants or agents, or other persons delegated by them for that purpose, at reasonable times in the day time to enter such premises, and cleanse, whitewash, or purify the same, or remove or abate the nuisance, or deepen or otherwise alter the gutter, ditch, drain, or privy, or fill up the hole or cavity in respect of which the said orders shall have been made, and do all such matters and things as may be necessary for carrying such order into effect; and any dung, manure, filth, offal, or refuse, or any other matter or thing, liquid or solid, removed by such Board in pursuance of this enactment may be destroyed or sold, and in case of sale, the proceeds arising therefrom shall be paid into the Public Treasury in aid of the expenses of this Government, and all expenses incurred by the said Board under the provisions of this

Expenses in-
curred under
this enactment

enactment shall be recoverable from the owner or occupiers of the land or building in respect of which any such order shall have been made in the manner hereinafter provided for.

recoverable from owners of land or premises.

XV. That whenever any order has been made by the said Board of Health, or any local board, under the provisions of this Act, all costs and expenses reasonably incurred in carrying such order into execution shall be deemed to be money paid for the use, and at the request of the owner or occupiers of the premises, in respect of which costs and expenses shall have been incurred, and may be recovered as such at the suit of the Crown in any court of competent jurisdiction: Provided always, that until such costs and expenses can be recovered from such owner or occupier the amount thereof shall be defrayed out of the Public Treasury of the colony by warrant of the Governor.

Expenses incurred in carrying this Act into execution, how recovered.

XVI. That the power of visitation hereinbefore given to the Board of Health and local boards, in respect of lands and buildings, shall and may be lawfully exercised by such boards in respect of vessels, save and except that such visitations may take place without previous notice, and that all regulations for the prevention and spread of epidemic, infectious and contagious diseases on shore shall, as far as practicable, be applicable on shipboard; and where such regulations shall not be found applicable it shall be lawful for the Governor in Council to frame special regulations to meet the exigencies of each particular case.

Power of Board of Health and local boards to visit vessels.

XVII. It shall be lawful for the Governor in Council to order any cargo, or portion of a cargo, which the Board of Health or any local board may consider to be in a putrescent state, or which might in their opinion be likely to promote the spread of disease, to be destroyed; and also, if deemed necessary to order the unlanding of the cargo of any vessel, and to order, direct, and regulate the manner in which and place where any such cargo as last aforesaid shall be landed and stored.

Power of Governor in Council in respect to putrescent cargo.

XVIII. Repealed by 56 Vic. c. 8.

XIX. Whenever any putrid or offensive substance or the carcase of any dead animal is found within any part of the colony it shall be the duty of the Board of Health or local board of the district by their officers to cause the same to be removed and buried or carried to an adequate distance out to sea, and the expense of such removal shall be defrayed out of the Public Treasury, on the certificate of the Chairman of the Board of Health or local board as the case may be.

Duty of Board of Health and local boards to have putrid and other substances removed.

XX. No person shall deposit any putrid or other offensive matter on land adjacent to the sea or adjoining any public road under a penalty not exceeding five pounds for every offence.

Penalty for depositing offensive matter on land adjoining sea, &c.

XXI. It shall be the duty of the officers of revenue stationed on board of any vessel in any port of entry, on discovering any putrid fish, potatoes, or other putrid or decayed and offensive substance on board of any vessel in the said port, to give prompt intimation to the proper health authorities of the port in order that effectual steps may be taken for abating the nuisance and preventing the injurious consequences liable to flow therefrom.

Duty of revenue officers to report any offensive matter on board any vessel in port.

XXII. Every privy situate within any town or the suburbs thereof of less depth than six feet shall be deemed a public nuisance, and the owner, or in his absence the occupier, of the land on which the same is situated shall be liable to a penalty not exceeding ten pounds; and it shall be lawful for the Board of Health or local board, as the case may be, to cause such nuisance to be abated in such manner and by such means as to such board may seem best, and all expenses attending such abatement shall be payable by such owner or occupier aforesaid.

Depth of privies regulated.

XXIII. It shall be the duty of the police force, wherever they may be stationed, to be acting in aid of the Board of Health and local boards and their respective officers in carrying the provisions of this Act into execution.

Police to aid in carrying out provisions of Act.

Expenses, how
defrayed.

XXIV. That it shall be lawful for the Governor in Council to defray out of the Public Treasury all necessary expenses incurred on the public account under the authority of this Act.

Penalty for
obstructing
enforcement of
this Act.

XXV. That whoever shall wilfully obstruct any person acting under the authority, or employed in the execution of this Act, or who shall wilfully violate any order, direction, or regulation issued by the Board of Health or other competent authority under this Act, shall be liable for every offence to a penalty not exceeding fifty pounds.

Provision in case
of joint owner-
ship of property.

XXVI. That in the case of any demand or complaint under this Act to which two or more owners or occupiers of premises may be jointly answerable, it shall be sufficient to proceed against any one or more of them, without in any manner proceeding against the others or other of them; but nothing herein contained shall prevent the parties so proceeded against from recovering contribution in any case in which they would be now entitled to contribution by law.

Fines, &c., how
recovered.

XXVII. Repealed by 43 Vic. c. 12.

XXVIII. That all fines, penalties, and other sums of money, the recovery of which is not hereinbefore provided for, shall be recovered before any salaried justice, or before any two other justices of the peace, with the same right of appeal as exists in other cases of summary conviction.

Fines, &c., to
be paid into
treasury.

XXIX. That all fines, penalties, and forfeitures recovered under this Act shall be paid into the Public Treasury of these islands in aid of the expenses of the Government.

When actions
are to be com-
menced.

XXX. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within six months after the fact committed and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action, and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by, or on behalf of, the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the plaintiff shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases, and though a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be shall certify his approbation of the action.

Notice in
writing, &c.

Title of Act.

XXXI. This Act may for all purposes be cited as "The Health Act, 1872."

Certain Acts
repealed.

XXXII. The following enactments shall be and the same are hereby repealed:

13 Vic. c. 21.

31st to 54th sections, both inclusive, of 19 Vic. c. 7, and the several Acts suspended by the said Acts, or either of them, the 28 Vic. c. 42, so much of the schedule to the Act 32 Vic. c. 13, as declares that the third clerk in the Receiver-General's Department shall be *ex officio* clerk to the Board of Health, and the 5th section 33 Vic. c. 3.

No. 13.

43 Vic. c. 12. *An Act to provide for the appointment of a Sanitary Inspector for the Island of New Providence.* (Assented to 2nd April, 1880.)

I. This Act may be shortly cited as "The Sanitary Inspector's Act, Title. 1880."

II. Clause twenty-seven of the 35th Victoria, chapter 13, shall be Repeal.
and the same is hereby repealed.

III. It shall be lawful for the Governor to appoint some fit and proper person to be Sanitary Inspector, who shall hold office during the pleasure of the Governor. Appointment of Sanitary Inspector.

IV. Any Sanitary Inspector appointed under this Act shall be the Executive Officer of the Board of Health, and shall give regular attendance at any office which may be provided for the use of the said Board at such times as may be prescribed by the Board, and shall perform the clerical duties of the same, in the preparation of minutes, correspondence, and such documents and statistics as may be required by the Chairman of the Board, and shall follow all directions and regulations, and abide by all rules, orders, and instructions connected with the duties of his office as he may from time to time receive, either from the Chairman or the Board, in pursuance of the requirements of this or any other Sanitary Act. *Provided*, however, that the person appointed Sanitary Inspector under this Act shall not hold any other office of profit whatever, nor shall he be eligible to be elected or to serve as a Member of the House of Assembly of these Islands. Duties of Sanitary Inspector.

V. The Sanitary Inspector shall, once in every three months, make and submit to the Board of Health a written report on the sanitary condition of the said Island, its swamps and drains, and shall, moreover, instantly report to the said Board the existence or occurrence of any thing which may be injurious to health. Report of Sanitary Inspector.

VI. It shall be part of the duty of the Sanitary Inspector also to inspect and report, as aforesaid, upon the sanitary condition of the harbours, bays, creeks, and beaches of the said Island, together with the waters surrounding the same. Harbours, bays, creeks, beaches, &c., to be reported upon.

VII. Repealed by 52 Vic. c. 27.

VIII. Temporary.

No. 14.

45 Vic. c. 5. *An Act to authorise the seizure and destruction of Diseased and Unwholesome Articles of Food in the Island of New Providence.* (Assented to 29th March, 1882.)

I. In this Act the following words shall be deemed and construed to have the following meaning: "Place" shall include any market, shop, dwelling-house, building, stall, abutment, yard, vessel, boat, jetty, street, highway or pathway. "Expose for Sale" shall mean, exhibit or deposit, for the purpose of sale or barter in any manner, or any preparation for sale, and shall also include the salting, curing, drying, or otherwise preparing any articles of food for sale within this Colony. "Article of Food" shall mean any animal carcase, meat, poultry, game, turtle, flesh and fish, intended for human consumption. "Owner" shall mean the Vendor or the person for the time being, having ostensible control over any article of food, or in whose possession, or on whose premises the same is found. Definitions.

II. The Sanitary Inspector may at all reasonable times enter any place in the Island of New Providence where articles of food are exposed Gives entering powers to Sanitary Inspector.

for sale, or where he may have reason to believe that there is kept or concealed any article of food which is diseased, unsound, or unwholesome, or unfit for human consumption : and if on inspection, any article of food shall appear to him to be diseased or unsound, or unwholesome, or unfit for human consumption, it shall be lawful for the Sanitary Inspector, and he is hereby required forthwith to seize, or cause the same to be seized, and shall deal with the same as hereinafter directed.

Dissatisfaction
with seizure, and
restoration.

III. The owner of any article of food so seized who may be dissatisfied with such seizure, may apply to any two Members of the Board of Health, who shall view the article of food seized, and if in their opinion such article of food is not unfit for human consumption, or if having regard to the provisions of this Act a seizure should not have been made, they shall grant to the owner a written Order of Restoration addressed to the Sanitary Inspector.

Time for
restoration.

IV. If the owner shall not produce to the Sanitary Inspector an Order of Restoration, as hereinbefore provided, within six hours after a seizure, the Sanitary Inspector shall proceed to destroy such article of food, and the seizure and the subsequent destruction of such article of food shall be deemed and taken for all purposes to have been legally effected, and this Act may be given in evidence in any Court of Law within this Colony under a Plea of the General Issue.

Surrender.

V. On the production within the time aforesaid of an Order of Restoration, the Sanitary Inspector shall surrender the article of food seized to the owner.

Limits of powers
conferred.

Proviso.

VI. All the powers conferred by this Act on the Sanitary Inspector may be exercised by him in any place in the Island of New Providence, Provided always, that whenever the Sanitary Inspector shall make a seizure outside five miles from the Public Buildings in the City of Nassau, he shall remove or cause the article of food seized to be removed to some suitable spot within the five miles from the Public Buildings aforesaid, and all subsequent proceedings shall be taken in conforming with the provisions of this Act.

VII. and VIII. Repealed by 46 Vic. c. 13.

Expenses may
be sued for.

IX. All expenses attendant upon the seizure and destruction of any article of food under this Act, shall be paid by the owner on demand, and may be sued for and recovered as a debt by the Sanitary Inspector for, and on behalf of the Government, before any Court of Competent Jurisdiction, and shall when recovered, be paid by him into the Public Treasury.

Penalty on owner
for food de-
stroyed for
exposing same.

X. The owner of any article of food, which shall have been so destroyed as aforesaid, shall be liable, on summary conviction, before the Police Magistrate for the Island of New Providence, to a penalty not exceeding Twenty Pounds, for knowingly exposing for sale an article of food, which is not fit for human consumption, or at the discretion of the Police Magistrate, the owner may without the infliction of a fine, be imprisoned for any time not exceeding three months.

Penalty for
obstructing
Sanitary
Inspector.

XI. Any person who in any manner prevents the Sanitary Inspector from entering any place for any of the purposes of this Act as defined by section 2, or who obstructs or impedes the Sanitary Inspector or any person, or persons acting under his instructions when carrying into execution the provisions of this Act shall be liable to the same penalty to be recovered in the same manner as is provided in the like case by "The Health Act, 1872."

Expenses.

XII. It shall be lawful for the Governor in Council to defray out of the Public Treasury, all necessary expenses incurred on the public account under the authority of this Act.

Act may be
extended.

XIII. It shall be lawful for the Governor in Council by Order in Council, to extend the provisions of this Act to any other Island in this Colony, and for such purpose to define the boundaries of any town,

village, or settlement, and to state by whom in such town, village, or settlement the duties imposed by this Act on the Sanitary Inspector shall be there performed.

XIV. Upon the extension of the provisions of this Act to any of the towns, villages, or settlements on the Out-islands of the Government, the like fines, penalties and forfeitures, may be imposed and enforced by any salaried Justice, or in his absence by any two other Justices of the Peace, in the like manner as is therein provided in reference to offences committed on the Island of New Providence.

Penalties on out-island to be the same as at New Providence.

XV. The provisions of the 30th section of "The Health Act, 1872," are hereby extended and made applicable to all actions and prosecutions to be commenced against any person for anything done under or in pursuance of this Act.

30th section of Health Act made applicable.

No. 15.

46 Vic. c. 13. *An Act to amend the 45 Vic. c. 5, entitled an "Act to authorize the seizure and destruction of Diseased and Unwholesome Articles of Food in the Island of New Providence."* (Assented to 6th March, 1883.)

I. On the passing of this Act the seventh and eighth sections of the Act 45 Victoria, chapter 5, shall be repealed. Repeal.

II. Whenever the Sanitary Inspector shall make a seizure of any article of food, under the authority of the said Act, and such seizure shall have been made at a place over five miles from the Public Buildings in the City of Nassau, and in his opinion the said article of food is not only unwholesome and unfit for human consumption, but is so far decomposed, or in such a condition as to render the removal of the same as provided for in the sixth section of the said Act dangerous to the public health or otherwise inexpedient on sanitary grounds, it shall be lawful for the said Sanitary Inspector to cause the same to be at once destroyed, anything in the sixth section to the contrary.

Empowers Sanitary Inspector to destroy unwholesome food on certain conditions.

III. This Act shall be read and construed as part of the Act 45 Victoria, chapter 5.

No. 16.

56 Vic. c. 8. *An Act to amend "The Health Act, 1872."* (Assented to 7th June, 1893.)

WHEREAS "The Health Act, 1872," requires to be amended in the following manner: May it, &c. PREAMBLE.

I. If the proprietor or occupier of any lot of land situate within the limits of the City of Nassau, and the suburbs thereof, extending east to Fowler Street, west to the eastern boundary of the Ordnance ground, surrounding Fort Charlotte, and south to Grant's Town and Bain's Town, or of any other town within these Islands, or of any village, hamlet, or other kind of settlement within the same, shall permit or suffer weeds to grow, or any other vegetable matter to decompose in such lots, or shall permit any description of filth or rubbish to accumulate therein, or any stagnant water to be and remain therein; or if any person shall bring, or have in his possession, within the limits of any such city, town, village, hamlet, or settlement as aforesaid, any offensive substances calculated to affect the health of the inhabitants of such city,

Owners and occupiers of lands to keep the same free from weeds, &c.

town, village, hamlet, or settlement, and shall not remove the same within a reasonable time when thereto ordered and directed by the Board of Health, or by the Medical Inspector, if the lot of land is situated in the Island of New Providence, or by any local Board of Health, or by any Constable acting under the orders of any such local Board, or of a Justice of the Peace, if the lot of land is situated in any other Island than New Providence, every such proprietor or occupier shall be liable to a penalty not exceeding Ten pounds, to be recovered before a Justice of the Peace, in addition to the expenses that may be incurred in the removal or abatement of the nuisance complained of as hereinafter provided for.

Penalty.

Issue of orders and directions.

II. It shall be lawful for the said Board of Health, and the other authorities named in the first section of this Act, to issue the necessary orders and directions required for carrying the said section into execution, and every order so issued shall be served by delivering the same, or a copy thereof, to some person on the premises in respect of which it is made, or in case there be no person found upon the premises who can be served, by affixing such order, or a copy, upon some conspicuous part of such premises.

Nuisance may be abated by the Board at the cost of the owner and occupier of the land.

III. Should such nuisance not be abated within the time prescribed by the said order, it shall be lawful for the Board of Health, or other authority named in the said first section, to enter into and upon the said lands by its officers and servants, and cause the same to be at once abated; and all expenses incurred in such abatement shall be a charge against the proprietor and occupier of the said land, and the land itself as hereinafter mentioned.

Additional powers given to the Boards where no owner or occupier of land can be found.

IV. In addition to the powers given by "The Health Act, 1872," for the recovery of expenses incurred in carrying out any orders issued thereunder, the Board of Health, or any local Board, shall have power to do the following things, *where no proprietor or occupier of the lands dealt with under the first section of this Act is known, or can be found, that is to say:*

Land to be sold.

(a.) To cause the said land to be sold at auction after due advertisement at any time after the expiration of *sixty days* after the nuisance referred to has been abated.*

Proceeds of sale.

(b.) To receive the proceeds of any such sale, and after deducting the expenses incurred as authorised under the third section of this Act, and of the deed conveying the same, to pay the residue thereof (if any) into the Post Office Savings Bank at Nassau to the credit of the said Board, there to remain without interest until paid out to any person proving himself entitled thereto.

Execution of deed.

(c.) To execute under the hand and seal of the Chairman of the said Board of Health, or of any local Board, a deed transferring the said land to any purchaser thereof, which deed shall vest the said land in the party so purchasing.

Repeals.

V. The eighteenth section of "The Health Act, 1872," shall be and is hereby repealed.

Title and construction of Act.

VI. This Act may be cited for all purposes as "The Health Act Amendment Act, 1893," and shall be construed with and as forming part of the Act to which it purports to be an amendment.

* By 59 Vic. c. 19, No. 17 of this Class, the words in italics are repealed and others substituted.

No. 17.

59 Vic. c. 19. *An Act to amend "The Health Act Amendment Act, 1893."* (Assented to 30th April, 1896.)

I. This Act may be cited for all purposes as "The Amended Health Act, 1896," and shall be construed and read as part of "The Health Act Amendment Act, 1893," which last named Act is hereinafter referred to as the principal Act. Title and construction of Act.

II. In reading hereafter the fourth section of the principal Act the words "where no proprietor or occupier of the lands dealt with under the first section of this Act is known, or can be found, that is to say," shall be omitted, and the words "where the proprietor or occupier of the lands dealt with under the first section of this Act is absent from the Colony, or from the Island or District in which such lands are situate, or is not known, or cannot be found, that is to say," shall be inserted and read in lieu thereof. Amends.

III. In reading hereafter sub-section (a) of section four of the principal Act, the words "sixty days" shall be omitted, and the words "four months" inserted and read in lieu thereof. Words "four months" substituted for "sixty days."

CLASS II.

WEIGHTS AND MEASURES.

No. 1:

34 Vic. c. 7. *An Act to consolidate and amend the Laws for the prevention of abuses by the use of False or Insufficient Weights and Measures.* (Assented to 22nd March, 1871.)

I. It shall be lawful for the Board of Public Works as soon as practicable after the passing of this Act, and afterwards from time to time as occasion may require, to import or otherwise procure a sufficient number of proper scales, weights and measures of the standard heretofore in use in the Colony, and to have the same properly stamped or marked to designate them as public property, one set of which shall be delivered to, and shall continue in charge of the inspector of police, at the police station in the city of Nassau, one other set of which shall be delivered to the resident justice at Dunmore Town, Harbour Island; one other set to the resident justice at Matthew Town, Inagua; one other set to the resident justice at Green Turtle Cay, Abaco; and one other set to each of such other resident or assistant resident justices at the other out-islands of the Government as may satisfy the board that standard scales, weights and measures, are required for public use within their respective districts. Board of Works to procure scales, weights and measures of the standard heretofore in use in the Colony.

II. The scales, weights and measures so procured, shall be considered, held, and taken to represent and be the standard scales, weights and measures of the Colony; and it shall not be lawful for any person to sell any article whatever usually sold by weight or measurement by any other scales, weights, or measures than such as correspond with the scales, weights and measures by this Act declared to be the standard scales, weights and measures, under a penalty of not less than two pounds or more than ten pounds for each offence. Standard scales and measures the only lawful ones.

III. In the Island of New Providence it shall be the duty of the inspector of the police, and at the out-islands of the Government, of the Officers to test the accuracy of all scales,

Weights and measures once a month.

False weights and measures to be forfeited.

Measurement of salt bags provided for.

Grain to be sold only by standard measure.

Suspected weights and measures, how dealt with.

Search warrant may issue for detection of false weights, &c.

Penalty for having deficient weights.

Penalty for resisting, &c., a constable in execution of duty.

respective resident and assistant resident justices, to cause some officer, or other member of the police force, to proceed, at least once in every month, at uncertain times to all markets, stores, shops, or other places in which articles are sold or exposed for sale by weight or measurement, for the purpose of examining and testing the accuracy of all scales, weights and measures, there used for weighing or measuring articles for sale, and every such officer, or other member of the police force, as the case may be, shall have, and is hereby invested with full power and authority, to call for, try, examine, and test the accuracy of all such weights and measures, made use of in any such market, store, shop, or other place, or intended to be made use of therein, in buying or selling any article whatsoever, and if any such scales, weights, or measures are found to be false, or not to correspond with the standard scales, weights and measures established under this Act, the same shall be forfeited, and shall be taken possession of for the purpose of condemnation under this Act.

IV. And whereas salt is at the different Out-islands where the same is manufactured, sold, and delivered in bags, purporting to contain a specific quantity, without the said article being subjected to any other measurement: Be it enacted, that the provisions of this Act in reference to other measures shall be held to apply to such bags, and it shall not be lawful for any person to use, in the sale and delivery of salt, any bag the correctness of which as to the quantity it is said to contain, shall not have been previously tested by the officer aforesaid, and by him stamped in authentication thereof, and any person who shall use in the sale and delivery of salt any unstamped bag, shall be held liable to the same penalties and forfeitures as are by this Act declared and provided for in cases where false or deficient weights and measures are used; and for the testing and stamping such bags, the officer aforesaid shall be entitled to demand and receive from the person or persons for whom the said bags are stamped a fee at the rate of one shilling for every hundred bags.

V. From and after the passing of this Act it shall not be lawful to measure any Indian corn, oats, rye, barley, or other grain for sale, on board of any ship or vessel in the harbour of Nassau, or on shore, except by half-bushel, bushel, or other measures, to be stamped as aforesaid, under the penalty of forfeiting the sum of two shillings for every bushel of such grain which shall otherwise be measured and sold.

VI. It shall and may be lawful for any constable to take possession of any scales, weights, or measures, which on information to him given, or on his personal view, he shall have reasonable cause to suspect are false and fraudulent, and the same to carry before a justice of the peace in order that the same should be tried and proved as aforesaid.

VII. It shall and may be lawful for any justice of the peace, before whom an affidavit shall be made by any credible witness, charging any person engaged in trade or business with selling by false scales, weights and measures, or either, to grant a warrant to search the shop, store, or premises of the person so charged, and the scales, weights and measures so found on such search, the person executing such warrant shall convey, or cause to be conveyed, before such or some other justice of the peace, in order that the same may be tried and proved as aforesaid.

VIII. Any person in whose possession, store, or shop, any false or deficient scales, weights, or measures shall be found, shall be liable to pay a fine not exceeding five pounds, to be recovered as hereinafter mentioned.

IX. Any person who shall resist, abuse, disturb, or otherwise wilfully impede, or wantonly insult, threaten, or otherwise annoy, any constable in the execution of the duty hereby imposed on him as aforesaid, shall, on conviction, be liable to be fined in any sum not exceeding five pounds, at the discretion of the justice before whom such complaint shall be made,

and in default of payment of such fine within the time limited by the justice inflicting the same, the person so convicted shall be liable to be imprisoned in any lawful prison for any term not exceeding thirty days, in the discretion of the convicting justice.

X. All forfeitures, fines, and penalties imposed by this Act, shall be recovered before any one of Her Majesty's justices of the peace, and shall be levied and made, together with reasonable costs, by distress and sale of the goods and chattels of the offender or offenders; and if no goods and chattels be found, or not sufficient goods and chattels, then, and in every such case, it shall and may be lawful for any such justice as aforesaid, to issue his warrant for the committal of such offender or offenders to any lawful prison, there to remain for any term not exceeding ten days.

Fines and forfeitures recoverable.

XI. The following Acts shall be, and the same are hereby repealed:—

Repealing clause.

5th Wm. 4th, c. 16.

11 Vic. c. 9.

16 Vic. c. 2.

XII. This Act may be cited for all purposes as "The Weights and Measures Act, 1871."

XIII. This Act shall commence and take effect thirty days after public notice shall have been given that the scales, weights and measures aforesaid have been received in the Colony.

Commencement.

CLASS III.

PUBLIC MARKETS AND SLAUGHTERHOUSE.

No. 1.

13 Vic. c. 8. *An Act for establishing a Market in Grant's Town, in the Island of New Providence, and for other purposes.* (14th March, 1850.)

I. Under this section a market was established in the year 1850 in Grant's Town.

II. That the said market, when so established, shall be the only market for selling, or exposing for sale, butchers' meat or fish within the limits of Grant's Town aforesaid, and if any person shall, during the hours which may be fixed for the said market to be kept open, sell, or expose, or offer for sale, within the limits of the said town, in any other place than the said market, any butchers' meat or fish, every person so offending shall be liable, on conviction, to the like forfeitures and penalties as are imposed by law for selling butchers' meat or fish within the town of Nassau, otherwise than in the public market of Nassau.

Penalty for selling butchers' meat or fish in Grant's Town otherwise than in the market house.

III. That it shall be lawful for the Governor, or officer administering the Government of the Colony, in Council, from time to time, to make rules and regulations for the government of the said market, and in such rules, amongst other things, to provide for the efficient supervision of the said market, and to define the hours during which the same shall be kept open, and for the breach of any such rules and regulations as aforesaid, to be proved before any one of Her Majesty's justices of the peace, it shall and may be lawful for such justice to fine the offender in any sum not exceeding one pound, to be levied by warrant under the hand and seal of such justice, by distress and sale of the offender's goods and chattels, and if no goods and chattels can be found whereon such fine as aforesaid can be levied, then, and in such case, it shall be lawful for such

Rules and regulations for the governance of said market to be framed by Governor in Council.

justice to commit the offender to any prison, gaol, or house of correction, within the district, there to remain for any term not exceeding seven days.

(NOTE.—The remaining clauses were temporary ones.) *

No. 2.

21 Vic. c. 9. *An Act to provide for the establishment and regulation of a Public Market at Dunmore Town, Harbour Island, and for other purposes.* (20th April, 1858.)

I. Under this section a market was established at Dunmore Town in the year 1858.

Declared to be the only market at Harbour Island.

II. *That the vestry of the parish of Saint John aforesaid shall be commissioners for regulating the said market,* and the same shall be held, deemed, and taken to be the only market in the island of Harbour Island, aforesaid, for selling, or exposing for sale, any beef, mutton, veal, lamb, pork, kid, or other flesh, or butchers' meat, turtle, or fish, or vegetables.†

Unlawful to sell in said market without being licensed.

III. That no person in the island of Harbour Island shall presume to sell in the aforesaid market any butchers' meat without first taking out a licence for that purpose from under the hands of the said vestry.

Penalty on improper conduct in the market.

IV. That on complaint being made and substantiated before the said vestry of any improper conduct being exercised in the market, by any person to whom a licence for selling meat shall have been granted, it shall be lawful for the said vestry, at their discretion, to revoke the said licence, and such person shall be thenceforth incapable of selling in the said market until he shall be re-licensed.

Penalty for selling butchers' meat except within the hours limited.

V. That any person or persons to whom such licence aforesaid shall be granted, who shall sell or dispose of any butchers' meat otherwise than between the hours and times hereinafter mentioned and allowed, shall for every such offence forfeit and pay a sum not exceeding ten shillings.

Penalty on unlicensed persons selling, by retail, any butchers' meat in the said market.

VI. That no person or persons whosoever, not having a licence granted in manner hereinbefore mentioned and in force, shall vend, sell, dispose of, and deliver in the said market any such butchers' meat by retail, under a penalty not exceeding two pounds for each and every offence, to be sued for, recovered, and applied as hereinafter directed.

Penalty on selling unwholesome provisions in the said market.

VII. That if any person or persons shall expose, or offer for sale in the aforesaid market, or within the limits before mentioned, any unwholesome provisions, the commissioners aforesaid, or any two or more of them, are hereby authorised and required to cause the same to be taken away and burnt, or otherwise destroyed, and if it shall appear that the offence was wilfully committed, every such person shall forfeit and pay a sum not exceeding three pounds, to be sued for, recovered and applied as hereinafter directed.

Commissioners empowered to appoint a clerk of the market.

VIII. That the said commissioners shall have power and authority, and they are hereby required to nominate and appoint a fit and proper person to be clerk of the said market, who shall follow and obey all such directions and regulations as may from time to time be made by the said commissioners in pursuance of this Act; and in case any clerk appointed by the said commissioners shall grossly neglect his duty, or otherwise misbehave, the said commissioners may displace him, and nominate and appoint another clerk in his room and stead.

* Continued in force by 52 Vic. c. 15.

† The Commissioners of Public Works are at present Commissioners of the market.

IX. That the said commissioners shall have full power and authority, and are hereby authorised to allow the clerk of the said market a salary not exceeding the sum of twenty pounds, to be paid out of the moneys arising from stallage, or which may otherwise come into their hands, in pursuance of the provisions of this Act, also to fix and ascertain the rate of stallage, crawlage, slaughterage, and wharfage, and from time to time make such rules and regulations as to them may appear necessary for the good government and order of the said market, and for carrying this Act and the provisions thereof into execution; and any person or persons refusing or neglecting to abide by and obey such rules and regulations, shall for every offence forfeit and pay a sum not exceeding two pounds, to be recovered and applied as hereinafter directed: Provided, that no market rate shall be levied on corn, vegetables, or fruit brought to such market.

Salary to clerk of market authorised payable out of market rates.

Proviso.

X. That if any person or persons shall oppose or obstruct the clerk of the said market in the execution of his duty, or shall by any ways or means make, create, or cause any riot or disturbance in the said market, or at or near the same, during market hours, every person or persons so offending shall, for every such offence, forfeit and pay a sum not exceeding two pounds, to be recovered and applied as hereinafter directed.

Penalty on obstructing clerk of market in execution of his duty.

XI. Whereas the quiet and good order of the market may be disturbed by persons selling therein, or those employed by them offering for sale their meat, corn, or other articles or things for sale in a loud voice to attract customers, and otherwise disturbing the said market by shouting, singing, smoking, screaming or otherwise, to the great annoyance of persons frequenting the same, and the inhabitants of its vicinity; Be it enacted, that such and the like practices are hereby declared to be unlawful, and any person or persons guilty of them, or either of them, shall forfeit and pay a sum not exceeding one pound, to be recovered and applied as hereinafter directed.

Penalty for rude, disorderly or offensive conduct in said market.

XII. That it shall and may be lawful for the commissioners of the aforesaid market, to purchase from time to time all such measures as may be necessary, which said measures shall be paid for by the aforesaid commissioners out of the public moneys, which may be in their hands, and shall be delivered to the clerk of the aforesaid market, who is hereby required to keep the same in every respect complete and in good order, under a penalty not exceeding one pound for every default.

Provision for purchase of measures.

XIII. That it shall and may be lawful for the clerk of the aforesaid market, to ask, demand and receive from the sellers of all grain the sum of two pence per hour, for the use of every bushel or half-bushel measure: Provided always, that nothing herein contained shall extend to prevent any person or persons from measuring corn or other grain with any standard measure of his or their own.

Rates of payment for use of any such measure.

XIV. That if any action or suit shall be brought or commenced against any person or persons for anything done in pursuance of this Act, or in relation to the matters therein contained, such action or suit shall be brought in six months next after the cause of action shall have arisen and not afterwards, and the defendant in every such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence.

Protection from actions brought against persons for any thing done in pursuance of this Act.

XV. That all fines and penalties imposed by this Act shall be recovered before the police or sitting magistrate for the district of Harbour Island aforesaid, and shall be enforced in the same and like manner as other penalties are by law enforced, and shall be paid over to the commissioners, to be applied to the use of the said market.*

Fines and penalties, how to be recovered.

No. 3.

30 Vic. c. 12. *An Act to Consolidate and Amend the Laws relative to Public Markets in the Island of New Providence.* (Assented to April 2nd, 1867.)

Public market site.

I. That the premises situated in Bay Street, in the city of Nassau, heretofore used and known as the Nassau Market, shall continue to be a public market for the city and suburbs of Nassau, in which, subject to the payment of such rates and to the observance of such rules and regulations as may be imposed and made by this Act, or under its authority, all persons may put to open show or sale and sell butchers' meat and fish of all kinds, poultry, wild fowl, eggs, grain, vegetables, and other articles, upon every day in the week (Sundays excepted), during such hours as the said market shall be kept open, and to which also all persons may resort during such hours for any lawful purpose.

Limits of market.

II. That the limits of such market shall extend eastwardly to Culmer Street in the eastern district of the Island of New Providence, westwardly to Fort Charlotte in the western district, and southwardly to the northern boundary of Grant's Town Market, and no person shall sell or expose for sale within such limits in any other place than the said market any butchers' meat, under a penalty not exceeding one pound for every offence, and such butchers' meat shall be forfeited: Provided, that nothing herein contained shall extend to preserved or salted meats, or to meats brought to the Port of Nassau in ice.

Superintendence of market to be under Board of Works.

III. That the said market shall be under the superintendence of the Board of Public Works for the Island of New Providence, and it shall be lawful for the said Board, from time to time, to make, or cause to be made, such repairs, alterations, improvements and additions to the buildings in the said market, as they shall judge necessary and proper; and also to erect, or cause to be erected, a slaughter house, and fish shed within the said market premises.

Exempts market from 27 Vic. c. 4.

IV. That the 27 Vic. c. 4, shall not extend to any building erected under the authority of this Act.

Market hours regulated.

V. That the building in the said market in which meat is sold shall be kept open on every week day (Sundays excepted), for the sale of butchers' meat, from sunrise until three o'clock in the afternoon, and the remaining portion of the said market shall be kept open for the sale of all other articles until six o'clock in the afternoon; and on Saturdays all portions of the said market, shall be kept open for the sale of butchers' meat and other articles in their respective places until eight o'clock in the evening.

Market rates and dues to be decided by Governor in Council.

VI. That the Governor, acting by and with the advice and consent of the Executive Council, shall have full power and authority, from time to time, to decide what rates and dues shall be taken in the said market for stallage, slaughterage, wharfage, and otherwise, and to fix and impose the same; and also, from time to time, to make such rules and regulations as to the Governor, acting as aforesaid, may appear necessary for the good government and ordering of the said market, and for carrying this Act, and the provisions thereof, into execution; and any person or persons refusing or neglecting to abide by, and obey any or either of such rules and regulations, shall for every offence forfeit and pay a sum not exceeding five pounds, to be recovered and applied as hereinafter directed.

Appointment of clerk.

VII. That it shall be lawful for the Governor, from time to time, to appoint, by commission under his seal at arms, a fit and proper person to be clerk of the said market, who shall hold his office during pleasure, whose duty it shall be to give constant attendance in the said market, during market hours, and generally to carry out and enforce the provi-

sions of this Act, and all rules and regulations which may, from time to time, be made for the government of the said market.

VIII. That all rates and dues, and other moneys arising from the sale of stalls as hereinafter provided for, shall be collected and received by the said clerk, and by him paid over weekly to the receiver-general and treasurer, to be kept by that officer as a separate fund, to be designated the market fund.*

Dues to be paid weekly to receiver-general.

IX. Repealed by 32 Vic. c. 13.

X. That no person shall be entitled to sell butchers' meat in the said market without having been first licensed for the purpose by an instrument in writing under the hand of the said clerk, all which licences shall be subject to be revoked by the Board of Works for any violation of market rules or misconduct in the said market.

Butchers to be licensed.

XI. That no person not having a licence granted in manner hereinbefore mentioned, and in force, shall vend, sell, dispose of, or deliver in the said market any butchers' meat by retail, under a penalty not exceeding five pounds for each and every offence, to be sued for, recovered, and applied as hereinafter directed.

Penalty for selling meat without licence.

XII. That in the month of May, in every year, it shall be the duty of the clerk of the said market to put up at public auction in the said market the rental or use for one year of the several stalls and blocks in the meat market, save and except one stall and two blocks to be retained for the use of the contractor for the time being for supplying fresh meat to Her Majesty's forces, and one stall and one block to be reserved for use as hereinafter provided for, and to sell the same to the highest bidders therefor, who, upon payment of the purchase-money, shall be licensed and put in possession of the stalls and blocks respectively purchased by them, and shall, subject to the provisions of this Act, be entitled to retain and use the same for one entire year: Provided always, that no one individual shall be permitted to purchase or to hold more than one of such stalls and blocks during any one year.†

Stalls and blocks to be sold every year at public auction.

XIII. That the purchaser of any such stall and block shall not have the right to transfer the same to any other person; and if such purchaser shall not use the stall and block purchased by him at least twice in every week for the sale of fresh meat, such purchaser shall forfeit his right thereto, and the same shall be sold for the unexpired term of the original rental.

Stalls and blocks not transferable after purchase.

XIV. That every person who shall expose for sale in the said market, or within the limits aforesaid, any unwholesome provisions, or shall attempt to introduce or sell in the said market the meat of any animal which has been killed or has died before arriving at the said market, shall for such offence be subject to a penalty not exceeding five pounds.†

Penalty for exposing for sale unwholesome provisions.

XV. That the clerk of the said market shall inspect all turtle cut up for sale therein; and no person who shall kill turtle for sale by retail shall cut up any of the callapach or bone part of the callapee with intent to sell the same with the flesh under a penalty not exceeding thirty shillings.

Clerk to inspect all turtle cut up for sale.

XVI. That if any licensed butcher shall refuse or neglect to pay for any animal purchased by him for the purpose of being slaughtered and exposed for sale in the said market, whether such animal has actually been slaughtered or exposed for sale or not, such refusal or neglect shall be deemed fraudulent, and such butcher shall upon proof thereof before any justice of the peace be adjudged to have forfeited his licence, and his right to any stall and block then held by him in the said market,

Penalty for a licensed butcher refusing to pay for any animal purchased by him.

* These moneys are now carried to the credit of the General Revenue of the Colony.

† See 57 Vic. c. 9 and 58 Vic. c. 5, *post*, Nos. 7 and 8 of this Class.

unless the sum of money due by him in respect of any such animal shall within thirty days after such adjudication be well and faithfully paid by him to the person entitled to receive the same.

Clerk's duty to keep a cash book.

XVII. That with the view of having on record for reference a detailed account of the revenue of the public market showing any increase or diminution of the trade in such market: Be it enacted, that it shall be the duty of the clerk of the said market to keep a plain legible and detailed cash account book, in which shall be entered all moneys received by him under the authority of this Act, showing from whom and for what such moneys are received, a fair copy of which account he shall furnish to the receiver-general and treasurer weekly on the payment into the public treasury of such moneys, and that it shall also be the duty of the said clerk to lay the said cash book before the House of Assembly at the commencement of every session.

Market clerk to purchase standard scales and weights.

XVIII. That it shall be lawful for the said clerk, with the sanction of the Board, to purchase from time to time, measures, scales and weights to be kept for use in the said market, which measures, scales and weights shall be paid for out of the said market fund, and shall be kept by the said clerk, who is hereby required to keep the same in every respect complete and in good order, under a penalty not exceeding two pounds for every default.

Fee for using a public measure.

XIX. That it shall be lawful for the said clerk to ask, demand, recover and receive from the sellers of all grain, the sum of one shilling per day for the use of every bushel or half-bushel measure belonging to the public, the use of which may be required by any seller: Provided always, that nothing herein contained shall extend to prevent any person from measuring grain with any standard measure of his or their own.

Duty of market clerk to inspect scales and weights used in market.

XX. That it shall also be the duty of the clerk of the market, from time to time, to inspect and try all scales, weights and measures used by butchers and other persons dealing in the said market; and if any such scales, weights, or measures shall, in the opinion of the said clerk, be false or defective, it shall be his further duty to lay an information against the offending party before a justice of the peace, in order that the offender may be dealt with according to law.

The market clerk only empowered to collect money.

XXI. That the said clerk shall not, except in case of illness or other incapacity, depute any person or persons to collect any moneys for wharfage, slaughterage, stallage or crawlage, or any other fees or rents; and he shall be subject to a penalty not exceeding five pounds for any neglect of duty required of him by this Act.

One stall to be retained for inhabitants of out-islands under Order in Council.

XXII. That one stall and one block shall annually be retained for the use of inhabitants of the out-islands who may bring their cattle to the said market, and who shall be entitled to slaughter and sell such of their cattle in the said market, and to use the stall and block so retained, as aforesaid, upon the payment of such dues as may be established therefor by any rule or order to be made by the Governor in Council under this Act.

Limitation of time for bringing actions.

XXIII. That if any action or suit shall be brought or commenced against any person or persons for anything done in pursuance of this Act, or in relation to the matters therein contained, such action or suit shall be brought in six months next after the cause of action shall have arisen, and not afterwards; and the defendant in every such action or suit shall and may plead the general issue and give this Act and the special matter in evidence.

Magisterial authority—fines and penalties.

XXIV. That all fines and penalties imposed by this Act shall be recovered before any one of Her Majesty's justices of the peace, who is and are hereby authorised and empowered to commit to the common gaol or house of correction, in default of payment, for any period not exceeding thirty days, as the convicting justice shall adjudge, by warrant, under his hand and seal, any offender or offenders against this

Act, unless such fine or fines shall be sooner paid; one half of which fine or fines shall be paid to the informer or informers, and the other half to the Board aforesaid, to be by them applied to the use of the said market.*

No. 4.

32 Vic. c. 27.

XIV. That the Board of Works for the district of Harbour Island shall be commissioners of the market of that district, and are hereby invested with the same powers which by the Act 21 Vic. c. 9, are conferred on the vestry of St. John's, and so much of the said Act as declares the said vestry to be commissioners shall be repealed.

Vestry's powers
conferred on
Board of Works.

No. 5.

38 Vic. c. 21. *An Act to provide for the establishment and regulation of a Public Market at Mathew Town, in the Island of Inagua.* (Assented to 9th April, 1875.)

WHEREAS a good and sufficient market house was some time past erected at Mathew Town, in the Island of Inagua, but no provision has as yet been made for the proper establishment and regulation of a public market at Inagua, for remedy whereof; May it, &c.

PREAMBLE.

I. The market house and premises heretofore erected, and now being at Mathew Town, in the Island of Inagua, shall, upon the commencement of this Act, become, and the same shall thereafter continue to be a public market for the Island of Inagua, and shall be regulated as herein-after provided for.

Public market,
Inagua.

II. The Board of Public Works for the Island of Inagua shall be commissioners for regulating the said market, and the same shall be deemed, held and taken to be the only market in the Island of Inagua aforesaid, for the sale or exposing for sale of butchers' meat.

Commissioners of
market.

III. No person in the Island of Inagua shall presume to sell in the aforesaid market any butchers' meat without first taking out a licence for that purpose from under the hands of the said commissioners.

Licence neces-
sary.

IV. On complaint being made and substantiated before the said commissioners of any improper conduct being exercised in the market by any person to whom a licence for selling meat shall have been granted, it shall be lawful for the said commissioners, at their discretion, to revoke the said licence, and such person shall be thenceforth incapable of selling in the said market until he shall be re-licensed.

Licence may be
revoked.

V. Any person or persons to whom such licence aforesaid shall be granted, who shall sell or dispose of any butchers' meat otherwise than between such hours and times as may be fixed by any rule to be made by the commissioners under the authority of this Act as the proper hours and times for the purpose, shall for every offence forfeit a sum not exceeding ten shillings.

Time for selling
meat.

VI. No person or persons whomsoever, not having a licence granted in manner hereinbefore mentioned and in force, shall vend, sell, or dispose of in the said market any such butchers' meat by retail under a penalty not exceeding two pounds for each and every offence, to be sued for, recovered, and applied as hereinafter directed.

Penalty for sell-
ing without
licence.

Penalty to offer
unwholesome
meat for sale.

VII. If any person or persons shall expose or offer for sale in the aforesaid market, or within the limits before mentioned, any unwholesome meat, the commissioners aforesaid, or any two or more of them, are hereby authorised and required to cause the same to be taken away and burnt, or otherwise destroyed, and if it shall appear that the offence was wilfully committed, every such person shall forfeit and pay a sum not exceeding three pounds, to be sued for, recovered, and applied as hereinafter directed.

Market clerk to
be appointed.

VIII. The said commissioners shall have power and authority, and they are hereby required to nominate and appoint a fit and proper person, to be clerk of the said market, who shall follow and obey all such directions and regulations as may, from time to time, be made by the said commissioners in pursuance of this Act; and in case any clerk appointed by the said commissioners shall neglect his duty, or otherwise misbehave, the said commissioners may displace him and nominate and appoint another clerk in his room and stead.

Commissioners
authorised to
pay clerk, make
rules and enforce
penalties.

IX. The said commissioners shall have full power and authority, and are hereby authorised to allow the clerk a salary not exceeding the sum of ten pounds, to be paid out of the moneys arising from stallage, or which may otherwise come into their hands in pursuance of the provisions of this Act; also to fix and ascertain the rate of stallage and slaughterage, and from time to time make such rules and regulations as to them may appear necessary, for the good government and order of the said market, and for carrying this Act and the provisions thereof into execution; and any person or persons refusing or neglecting to abide by and obey such rules and regulations shall, for every offence, forfeit and pay a sum not exceeding two pounds, to be recovered and applied as hereinafter directed, provided that no market rate shall be levied on corn, vegetables, or fruit brought to such market for sale.

Penalty for ob-
structing clerk

X. If any person or persons shall oppose or obstruct the clerk of the said market in the execution of his duty, or shall by any ways or means, make or create or cause any disturbance in the said market, or at or near the same during market hours, every person or persons so offending shall, for every such offence, forfeit and pay a sum not exceeding two pounds, to be recovered and applied as hereinafter directed.

Penalty for dis-
turbance the quiet
of the market.

XI. Whereas, the quiet and good order of the market may be disturbed by persons selling therein or those employed by them, offering for sale their meat or other articles or things for sale in a loud voice to attract customers and otherwise disturbing the said market by shouting, singing, smoking, screaming, or otherwise to the great annoyance of persons frequenting the same and the inhabitants of its vicinity: Be it enacted, that such and the like practices are hereby declared to be unlawful, and any person or persons guilty of them or either of them, shall forfeit and pay a sum not exceeding one pound, to be recovered and applied as hereinafter directed.

Measures to be
kept in good
order.

XII. It shall and may be lawful for the commissioners of the aforesaid market to purchase from time to time, all such measures as may be necessary, which said measures shall be paid for by the aforesaid commissioners out of the public moneys which may be in their hands, and shall be delivered to the clerk of the aforesaid market, who is hereby required to keep the same in every respect complete and in good order under a penalty not exceeding one pound for every default.

Actions to be
brought within
six months.

XIII. If any action or suit shall be brought or commenced against any person or persons for anything done in pursuance of this Act, or in relation to the matters therein contained, such action or suit shall be brought in six months next after the cause of action shall have arisen, and not afterwards, and the defendant in every such action or suit shall and may plead the general issue and give this Act and the special matter in evidence.

XIV. All fines and penalties imposed by this Act shall be recovered before the resident or acting resident justice for the district of Inagua aforesaid, and shall be enforced in the same and the like manner as other penalties are by law enforced, and shall be paid over to the commissioners to be applied to the use of the said market.

Recovery of fines.

XV. This Act shall commence on the first day of July, A.D. 1875, and shall continue in force for the term of five years and from thence to the end of the then next session and no longer.

Beginning and end.

XVI. The term "butchers' meat" as used in this Act, shall comprise beef, mutton, and the meat of all other animals slaughtered at the Island of Inagua *

Butchers' meat defined.

No. 6.

51 Vic. c. 16. *An Act to authorize the erection of a Slaughterhouse in the Eastern District of the Island of New Providence, and for other purposes.* (Assented to 12th April, 1888.)

I. It shall be lawful for the Board of Public Works for the Island of New Providence after passing of this Act to cause the abutment at the northern end of Deveau Street in the Eastern District of the Island of New Providence to be extended in a northwardly direction not less than forty feet beyond the northern boundary line of the abutment of Mr. Philip Treco adjoining the same on the west giving such extension a width of not less than thirty feet.

Provides for the extension of abutment at northern end of Deveau Street.

II. On the completion of such abutment it shall also be lawful for the said Board to cause to be erected at the northern extremity thereof a wooden slaughterhouse, and to furnish the same with the necessary fittings and appliances for properly carrying out the intention of this Act.

A slaughterhouse to be erected thereon.

III. After the erection of such slaughterhouse it shall be the duty of the said Board of Works to cause a notice to be inserted in the official newspaper of the Island of New Providence in which Government notices are published, of the day when the said slaughterhouse will be opened and ready for use.

When ready for use time to be notified in official newspaper.

IV. On and after the day named in such notice it shall not be lawful for any person or persons to kill, in any place in any part of the said Eastern District of the Island of New Providence, comprised within Culmer Street and Church Street, except only in such slaughterhouse, any animal whatever, the meat of which is intended to be exposed for sale within the said district, and where any person infringes this section by killing any animal in any other place in the said district than such slaughterhouse, the meat of such animal may be seized by the keeper of the said slaughterhouse, who shall dispose of the same in such manner as he may be directed by order of the Board of Works.

No meat to be exposed for sale except killed in slaughterhouse.

V. The Board of Works shall have power and authority and they are hereby required as soon as may be necessary so to do, to nominate and appoint a fit and proper person to be keeper of the said slaughterhouse, who shall follow and obey all such directions and regulations as may from time to time be made by the said Board in pursuance of this Act.

Appointment of keeper of slaughterhouse.

VI. There shall be allowed to the said Board out of the Public Treasury of these Islands, by warrant in the usual manner, the sum of thirty six pounds per annum to be expended by them in payment of the salary of the keeper of the said slaughterhouse.

Salary.

Neglect of duty.

Board of Works to make rules and regulations; and to fix rates of slaughterage.

Penalty for disobedience of rules.

Fines how applied.

Slaughterage fees to be paid into the Public Treasury.

Authorises payment of £300 out of Public Treasury.

VII. In case any keeper appointed by the said Board shall neglect his duty or otherwise misbehave, the said Board may displace him and nominate another in his stead.

VIII. The said Board shall have full power and authority from time to time to make all such rules and regulations as to them may appear necessary for the proper carrying out of this Act; and to fix rates of slaughterage similar to those now paid for the slaughtering of animals in the slaughterhouse in the Nassau Market to be paid by persons using the said slaughterhouse, and any person or persons refusing or neglecting to abide by and obey such rules and regulations shall be liable on conviction before any Justice of the Peace to pay a sum not exceeding ten shillings, such payment thereof to be enforced in the same and the like manner as penalties imposed by Justices of the Peace are now by law enforced.

IX. All fines and penalties received under the preceding section shall be paid over to the said Board of Public Works to be applied to the use of the said slaughterhouse.

X. All slaughterage fees received under this Act shall be paid into the Public Treasury in aid of the General Revenue.

XI. There shall be paid out of the Public Treasury of these Islands by warrant in the usual manner to the said Board of Public Works the sum of three hundred pounds for carrying out the provisions of this Act.

No. 7.

57 Vic. c. 9. *An Act to amend the law relating to the Public Market for the City of Nassau.* (Assented to 2nd April, 1894.)

Reserved stall and blocks may be used by Government contractor.

I. It shall be lawful for the Board of Public Works for the Island of New Providence to permit the stall and blocks now retained by the 12th section of the Act or Assembly 30 Victoria, chapter 12, for the use of the contractor for the time being for supplying fresh meat to Her Majesty's Forces to be used by any person or persons holding a contract with the Government of these Islands through the Colonial Secretary for supplying fresh meat to any public institution or department of the Colony, under such conditions as the Board may think fit.

No. 8.

58 Vic. c. 5. *An Act to amend the law relating to the Public Market in the Island of New Providence.* (Assented to 26th April, 1895.)

Title.

I. This Act may be cited for all purposes as the "Nassau Market Amendment Act, 1895."

Meaning of words "principal Act."

II. Where the words "principal Act" are used herein they shall mean the Act of Assembly 30 Victoria, chapter 12."

Upset price for stalls and blocks in the meat market.

III. It shall be lawful for the Board of Public Works for the Island of New Providence at any time prior to the month of May in every year to fix the upset price at which the several stalls and blocks in the Meat Market directed by the twelfth section of the principal Act to be put up at auction, shall be offered for sale by auction.

Announcement of upset price.

IV. Such upset price shall be announced at the auction for such stalls and blocks immediately before the said auction shall commence, and no stall or block shall be sold at such auction for a less sum than the upset price.

V. No person shall be deemed the highest bidder for any stall or block offered for sale at such auction under the twelfth section of the principal Act unless he shall have bid a sum not less than the upset price fixed as aforesaid for such stall or block so offered for sale. Who deemed highest bidder.

VI. In reading hereafter the fourteenth section of the principal Act the following shall be added as a *proviso* thereto: *Provided* that nothing herein contained shall refer to meats brought to the port of Nassau in ice. Addition to principal Act.

No. 9.

62 Vic. c. 28. *An Act to provide for the erection of a new Public Market in the City of Nassau.* (Assented to 20th May, 1899.)

I. This Act may be cited for all purposes as "The Public Market Title. Erection Act, 1899."

II. It shall be lawful for the Board of Public Works for the Island of New Providence to construct a new Public Market in the City of Nassau in the place of the existing Market at a cost not exceeding three thousand five hundred pounds, in accordance with such plans or specifications as may be approved by the Governor in Council. A new Public Market in the City of Nassau to be constructed.

III. Such Public Market shall be constructed on the site of the existing Market, and shall be built of stone, brick, iron, or any other non-combustible material. Site for construction and material to be used.

IV. The said Board of Public Works are hereby authorised to advertise in this Colony or in the United States of America or elsewhere for tenders for the erection of such building, and to obtain all such estimates and specifications as may be deemed necessary. Advertisement for tenders.

V. It shall be lawful for the Governor to authorise payment out of the Public Treasury of the Colony of a sum not exceeding three thousand five hundred pounds, for the purpose aforesaid, and of a further sum not exceeding one hundred pounds for the expenses to be incurred under the preceding section of this Act. Authority for payment of expenses.

VI. Such Market, when erected, shall be subject to the provisions of the Act of Assembly, 30 Vic. c. 12, and of the rules and regulations made thereunder in so far as the same may be applicable thereto. 30 Victoria, chapter 12, and rules made thereunder to apply to new market.

VII. It shall be lawful for the Board of Public Works, with the approval of the Governor in Council during the period while such new Market is being erected, to make necessary and proper provision for a Public Market Place for the sale of articles authorised under the first section of the said Act of Assembly, 30 Vic. c. 12, and which shall in all respects be subject to the rules and regulations made thereunder, and all expenses incurred for such purpose shall be paid out of the Public Treasury by warrant in the usual manner. Authority to provide a temporary Market Place during the erection of a new Market.

CLASS IV.

LUMBER MEASURERS AND ADMEASUREMENT.

No. 1.

30 Vic. c. 11. *An Act to regulate the appointment of Lumber Measurers and the admeasurement of Lumber.* (Assented to 2nd April, 1867.)

I. That from and after the passing of this Act it shall not be lawful for any person to act as an inspector, measurer, or culler of lumber within these Islands without a licence for that purpose from the Governor. Lumber measurers to be licensed and make a declaration.

nor, granted under this or any some previous Act of Assembly ; and before any person so licensed shall enter upon the execution of his duty as an inspector, measurer, or culler of lumber as aforesaid, he shall make a solemn declaration before some magistrate to do justice between the seller and buyer of any lumber which he may be called on to measure or inspect ; and every such inspector, measurer, or culler of lumber, as aforesaid, shall be entitled to ask and demand from the seller or sellers of any such lumber, or the person who shall employ him, at and after the following rates, to wit : For any quantity under one thousand feet, fourpence halfpenny per one hundred feet ; from one thousand feet to five thousand feet and upwards, two shillings per thousand feet, inch measure, for all lumber measured by him on shore, and the sum of four pence halfpenny per hundred feet for all lumber measured on board any vessel ; and half as much more for marking the same, if thereunto required by the purchaser ; and any inspector, measurer, or culler of lumber, as aforesaid, who shall neglect or refuse, when thereunto required, to measure or mark any lumber, as aforesaid, shall, for every neglect or refusal, forfeit and pay a sum not exceeding five pounds.

Fees for measuring lumber.

Lumber measurers to be recommended.

Deductions to be made by lumber measurers from contents of logs.

II. That before any person shall be licensed as aforesaid, he must, if resident upon the Island of New Providence, obtain a certificate of recommendation from two Justices of the Peace ; and if a resident upon any of the out-islands of this Government, from any two Justices of the Peace, or from any one Justice and three freeholders resident on such island, setting forth that he is a fit and proper person to be licensed, to act as an inspector, measurer, or culler of lumber, as aforesaid.

III. That from and after the passing of this Act, all measurers of lumber, duly appointed by licence as such, in pursuance of this or of any other Act of Assembly, shall make the following deductions from the contents of all logs of timber which shall square six inches and upwards by them to be measured, that is to say : that after making due and proper allowance for all rents and slabs, and reducing the log in all respects to the square, that from the solid square contents of the same a deduction shall be made of one-eighth of such solid square contents for the cut of the saw, whether the logs are sold by superficial or solid measurement, and the remainder, after such deduction is made, shall be deemed and taken as the contents of the same ; and any lumber measurer not making such deduction as aforesaid, shall forfeit the sum of five pounds for the first offence, to be recovered by and to the sole use of any person who may sue for the same under the provisions of the before-mentioned Acts of Assembly of the 23rd year of Her Majesty's reign ; and for a second offence of a like nature shall forfeit the like sum of five pounds, to be sued for and applied as aforesaid, and shall also be ever after incapable of serving as lumber measurer within these islands.

Penalty for measuring without a licence.

IV. That if any person shall presume to admeasure any timber, logs of timber, scantling, planks, boards, or lumber of any kind to be shipped from the port of Nassau, or imported into the said port for sale, such person not having made the declaration and being licensed as a lumber measurer according to law ; all persons so offending shall forfeit and pay the sum of ten pounds, to be recovered with costs of suit, by action of debt or otherwise, in any court of competent jurisdiction, by and to the sole use of any person who may sue for the same.

CLASS V.

PIERAGE, WHARFAGE, STORAGE, AND SCALEAGE.

No. 1.

37 Vic. c. 14. *An Act for regulating the rates of Pierage, Wharfage, Storage and Scaleage, and for other purposes connected therewith.*
(Assented to 25th April, 1874.)

I. The master or consignee of any vessel arriving or being at any port within the Colony who is desirous of lading or landing cargo, shall have the right of having his vessel placed at any abutment or wharf within the limits of any such port, the main public abutment at the city of Nassau alone excepted, which he may select for either of the purposes aforesaid subject to the regulation hereinafter contained.

Master's right to select wharf.

II. The master or consignee of any vessel, as aforesaid, who shall be desirous of having his vessel placed at any abutment or wharf, as aforesaid, shall give notice of such his desire to the port officer, if at Nassau, or if at any other port to the chief revenue officer of such port, whose duty it shall be, if the abutment or wharf designated is unoccupied, to place, or cause such vessel to be placed, as speedily as possible thereat, or if the abutment or wharf designated is occupied, then, if the master or consignee of such vessel shall deem it necessary to place such vessel at the outside of the vessel or vessels occupying the front of the abutment or wharf, and all vessels shall be placed in the front of any such abutment or wharf as soon as the same shall become vacant, in rotation according to the date of their respective applications, to the port officer or chief revenue officer aforesaid.

Port officer or chief revenue officer's duty.

III. When a vessel is placed at an abutment or wharf for the purpose of discharging cargo, and the master or consignee is ready to ship cargo as soon as the inward cargo is discharged, such vessel shall have the right of remaining in her original position at such abutment or wharf until her outward cargo is laden; but no vessel from which cargo is not actually discharging, or which is not in actual preparation to receive cargo, shall be allowed to remain at any abutment or wharf to the exclusion of any other vessel.

Right of vessel to remain at wharf.

IV. In the absence of any express contract for lesser amounts, the several rates of pierage, wharfage, storage and scaleage, in the schedules to this Act annexed, set forth, shall be payable for the use of any pier, abutment or wharf, or of any warehouse or other place for the storage of goods, or for the use of scales or other machines for weighing goods, and any person who shall make a charge in excess of any such rates, shall be liable to a penalty of ten pounds in addition to the forfeiture of his right to recover any rates whatever, which penalty shall be recovered in any court in which debts of the same amount may be sued for and recovered.

Rates of pierage &c., in schedule made payable.

V. In every case where a vessel shall occupy portions of two or more abutments, or of an abutment and extended slip, the rates of pierage by this Act established shall be payable to the owners of each abutment or extended slip against any part of which the vessel shall be lying, in proportions to be regulated by the respective spaces which may be occupied by such vessel.

Vessels which occupy space at wharfs, how regulated.

VI. The rates of pierage by this Act imposed shall, when the owner of any vessel in respect of which they have become payable is not resident within these islands, be recoverable from the master of such vessel,

Rates of pierage recoverable.

Wharfs to be kept in good order.

Occupier of warehouse responsible for safety of goods.

Expenses.

Rates of pierage at public wharfs to be collected.

Penalties.

Commencement.

and on neglect or default of payment by such master the consignee of the vessel shall be liable therefor.

VII. The proprietor or proprietors of any wharf or abutment used for the landing of merchandise for hire, shall and he and they are hereby required to keep the same in good order under a penalty of ten pounds for default or neglect in addition to the liability to make good any loss or damage that may be sustained by any person or persons by reason of such default or neglect; such penalty to be recovered in manner aforesaid.

VIII. The occupant of any warehouse or store by whom merchandise or other articles shall be received and kept for hire, shall be responsible for the safety of everything deposited therein on which warehouse rent shall be chargeable, and for all damage to the same arising from the want of due care on the part of such occupant, except however, the loss or damage accruing from fire, storm, robbery by forcible entry and other causes beyond the control of such occupant. And the proprietor shall be responsible for all damage arising from the defective state of the building.

IX. The expense of putting into, and of the delivery from, any such store, warehouse or cellar of any articles, shall be borne by the owner of such articles.

X. All rates of pierage and wharfage payable in respect of the use or occupation of any public abutment, wharf or extended slip, shall be collected and received, where the public abutment or wharf so used is at the port of Nassau, by the Receiver-General and Treasurer, and where the same is at any out-port of the Colony by the chief Revenue officer of such out-port, and shall be paid into the Public Treasury and applied in aid of the general revenue of the Colony, and on neglect of payment the same may be sued for and recovered in the name of the Receiver-General and Treasurer or chief officer of the Revenue for the time being as the case may be.

XI. All penalties by this Act imposed when received, shall be paid into the public treasury in aid of the expenses of the Government of the Colony.

XII. This Act shall commence and take effect at the termination of the present session of the General Assembly, from which date the Act 30 Vic. c. 20 and 29 Vic. c. 38 shall be repealed.

SCHEDULES.

No. 1.

RATES OF PIERAGE PER DAY.

[illegible]

No. 2.

RATES OF STORAGE PER WEEK.

	£.	s.	d.	
1. All packages measuring less than two cubic feet ..	0	0	0 $\frac{1}{4}$	Storage rates.
2. All packages measuring two cubic feet and less than five cubic feet	0	0	0 $\frac{1}{2}$	
3. All packages measuring five cubic feet and less than ten cubic feet	0	0	1	
4. All packages measuring ten cubic feet and less than fifteen cubic feet	0	0	1 $\frac{1}{2}$	
5. All packages measuring fifteen cubic feet and less than twenty cubic feet	0	0	2	
6. All packages measuring twenty cubic feet and less than thirty cubic feet	0	0	3	
7. All packages measuring thirty cubic feet	0	0	4	
And one penny for every additional ten feet.				
8. Barrels containing wines, spirits, oils and other liquids in bulk, pickled meats or fish, honey and unrefined sugar, and other packages containing articles liable to leak or drain, measuring five and not more than ten cubic feet	0	0	1 $\frac{1}{4}$	
9. Half-barrels do. do.	0	0	0 $\frac{5}{8}$	
10. Barrels containing flour, meal, bread, &c.	0	0	1	
11. Half barrels do do	0	0	0 $\frac{1}{2}$	
12. Hogsheads containing sugar	0	0	9	
13. Hogsheads containing molasses for the ground tier 1s., with the option to the party storing of stowing a second tier	0	0	6	
and third tier	0	0	3	
14. Puncheons and pipes containing liquid in bulk, exceeding thirty cubic feet	0	0	10	
15. Crates containing crockery and earthenware	0	0	6	
16. Coals per hogshead	0	0	6	
17. Coals loose per ton	0	0	9	
18. Coffee, corn, oats, wheat, rice, per bag	0	0	0 $\frac{1}{2}$	
19. Pimento and cocoa, per bag	0	0	0 $\frac{5}{8}$	
20. Rice per tierce	0	0	3	
21. Iron, copper ore, and other metals or ores per ton	0	0	4 $\frac{1}{2}$	
22. Lumber in yards, per <i>m</i> feet	0	0	6	
23. Shingles and bricks, per <i>m</i> feet	0	0	6	
24. Mahogany, and other square wood per <i>m</i> feet	0	0	8	
25. Staves per <i>m</i>	0	1	3	
26. Dye-woods, per ton	0	0	4	
27. Sugar per box	0	0	2	
28. Hides, per hundred	0	1	0	
29. Cotton, per bale, under shed or store	0	0	6	
30. Ditto do. not so	0	0	4	
31. Granite, stone, or marble, per ton	0	0	6	
32. All articles wrecked, not in original packages, but loose in lots; also materials of vessels, $\frac{1}{2}$ per cent on sale at auction.				
33. All property wrecked, consisting of assorted bales, boxes, crates of merchandise, appraised and re-shipped bulk, to be estimated in barrels at	0	0	1 $\frac{1}{4}$	

No. 3.

RATES OF WHARFAGE PER WEEK.

Wharfage.

Equal to one week's storage on similar packages.

No. 4.

RATES OF SCALEAGE.

Scaleage.						£	s.	d.
	On every package weighing less than 1 cwt.	..	..	..	..	0	0	0 $\frac{1}{4}$
	Ditto over 1 and not exceeding 5 cwt.	..	..	..	..	0	0	0 $\frac{1}{2}$
	On every 5 do. 10 cwt.	..	..	..	..	0	0	1
	Ditto 10 do. 15 do.	..	..	..	..	0	0	1 $\frac{1}{2}$
	Ditto 15 do. 20 do.	..	..	..	..	0	0	2
	On every ton of wood..	..	..	..	..	0	0	2
	Ditto metal..	..	..	..	..	0	0	2

CLASS VI.

CONTRACTS OF SERVICE.

No. 1.

24 Vic. c. 8. *An Act for regulating the relative Duties of Masters and Servants, for providing for the Apprenticing of Children, and for other purposes.* (19th April, 1861.)

Parts of Acts repealed.

I. Repeals 3 Vic. c. 1, except so much thereof as declares the Act of Parliament of the sixth year of the reign of King George the Fourth, c. 129, to be in force in this Colony, and 3 Wm. 4, c. 36, except so far as the same, or either of them, relating to any contract or agreement of service, entered into under the first-mentioned Act.

Contracts of service.

II. That no contract of service shall be in force within the Bahama Islands for any greater or longer space of time than one calendar month from the date thereof, unless the same shall be reduced into writing with all the formalities hereinafter mentioned and particularly designated.

Formalities to be observed in contracts.

III. That no written contract of service shall be valid or binding upon the parties thereto, or be of any force or effect whatsoever, unless it shall be signed with the name, or in case of illiterate persons with the mark, of each of the contracting parties, in the presence of a Justice of the Peace; nor unless such Justice shall subscribe such written contract in attestation of the fact that it was entered into by the parties voluntarily, and with a clear understanding of its meaning and effect.

Duration of contracts.

IV. That such written contracts, as aforesaid, shall not be binding or valid for any greater or longer period than one year from their respective dates, and that every such written contract shall expire at the close of the time of service therein stipulated for, without any notice on either side being given.

Particulars to be specified in contracts.

V. That every such written contract, as aforesaid, shall specify, as accurately as may be, the general nature of the employment in which the servant is to be engaged; and when any such contract is for work to be performed not by the piece, but by time, it shall also in like manner specify the number of hours of daily labour, and the hours of the day at which such labour is to commence, to be suspended, to recommence, and to terminate; and in cases in which the remuneration, or any part of it, is to be made, not in money, but in kind, every such contract, as aforesaid, shall specify, with all practicable precision, the nature, amount, and quality of the articles to be supplied to the servant; and the time when, and the place or places at which, such articles are to be delivered.

VI. That it shall not be lawful to pay the wages of any servant in kind when the same has been contracted to be paid in money, nor to pay such wages in money when contracted to be paid in kind, nor to pay the same in any other than the stipulated kind, except by and with the express consent of the servants.

Mode of payment.

VII. That it shall and may be lawful for the father, or in case of a fatherless child, the mother, or in case of total orphanage, the guardian of any child above the age of ten years, and under the age of sixteen years, to apprentice out such child to any trade, in the practice of which any peculiar art or skill is required, for any term not exceeding five years.

Apprenticeship of fatherless, motherless, or orphan children to trades.

VIII. That it shall be lawful for the father, or in the case of a fatherless child, for the mother, or, in case of total orphanage, for the guardian of any child above the age of ten years, and under the age of sixteen, to apprentice out such child as a domestic servant, or in any other description of service save and except as a labourer in the manufacture of salt, for any term not exceeding three years.

The same to domestic service.

IX. That whenever any child, between the ages aforesaid, is or becomes chargeable on any public funds for support, or, if not actually chargeable, is an orphan destitute of the means of support, it shall be lawful for the Governor to authorise the apprenticing out of such child, as hereinbefore provided for with respect to other children, and for that purpose to appoint some person to execute the deed of apprenticeship as the guardian of such child.

Signing of indentures in case of orphan children without guardians.

X. That it shall and may be lawful for any person, of the full age of sixteen years, or upwards, to apprentice himself or herself out, for any term not exceeding five years, to any trade, in the practice of which any peculiar art or skill is required.

At what age persons may apprentice themselves.

XI. That any indenture of apprenticeship entered into under this Act may with the full consent of all parties thereto, be lawfully assigned: Provided, however, that, in the case of a destitute child, no such assignment shall be valid, unless made with the consent, and approved of by two Justices of the Peace for the district in which the child shall be living, such consent and approval to be certified in writing by the Justices on the deed of memorandum of assignment.

Assignment of indentures regulated.

XII. That no indenture of apprenticeship, or assignment thereof, shall be valid under this Act, unless it shall be executed in the presence of and attested by a Justice of the Peace.

Assignment to be attested by Justice.

XIII. That no person apprenticed under this Act shall be taken out of the Colony against his will, nor without the consent of two Justices of the Peace, testified in writing, and given after previous communication on the part of the Justices with the apprentice, and full explanation made by them to him of his right to refuse to quit the Colony.

Apprentice not to be taken out of Colony without consent.

XIV. That every person attempting to remove from the Colony an apprentice, in contravention of the provisions of this Act, and every person aiding and assisting in such removal shall be guilty of a misdemeanor, and shall be liable, on conviction, to fine and imprisonment, or both, at the discretion of the court before which the conviction may take place.

Penalty on unlawfully attempting to remove apprentice from Colony.

XV. That if any person apprenticed under this Act shall absent himself without leave from the service of his master, or shall neglect to perform all proper work required to be performed by him, or shall perform his work negligently, or otherwise improperly, or shall in any other manner misconduct himself as an apprentice, he shall, on conviction before a Justice of the Peace, be liable, in the discretion of such Justice, to be imprisoned with or without hard labour in any lawful prison of the Colony for any term not exceeding twenty days.

Punishment of apprentices for misconduct.

XVI. That any person who shall decoy or entice any apprentice from the service of the person to whom he or she may be apprenticed, or

Punishment for decoying apprentices.

who shall receive or harbour any apprentice who may improperly quit the service to which he is apprenticed, shall for every offence forfeit and pay a sum not less than two pounds or exceeding ten pounds, to be recovered before any one of Her Majesty's Justices of the Peace of the Colony; one moiety of which sum shall be paid into the Public Treasury of these Islands, in aid of the expenses of the Government; the other moiety shall be paid to the party entitled to the service of the apprentice so enticed away, received or harboured, as the case may be.

Punishment of
servants for
breach of con-
tract.

XVII. That on complaint preferred and proof made, before any Justice, that any servant who has entered into a contract of service under this Act, has neglected to perform his stipulated work, or that he has performed such work negligently or improperly, or that by negligence or other improper conduct he has injured the property of his master entrusted to his care, it shall and may be lawful for such Justice, in his discretion, to adjudge the servant so offending to any one or more of the following penalties, that is to say: to pay to his master any sum of money not exceeding the amount or value of one month's wages, to be paid in such time and manner as the said Justice shall direct; or to commit such servant to some lawful prison, there to remain with or without hard labour, for any term not exceeding thirty days; or to cancel and dissolve the contract of service.

Punishment of
masters for
breach of con-
tract.

XVIII. That on complaint preferred and proof made by a servant, who has entered into a contract of service under this Act, before any Justice of the Peace, that his master has not paid such servant's wages, or delivered to him the articles stipulated for, or that the articles so delivered were not of the prescribed amount and quality, or that, by negligence or other improper conduct of the master, the contract of service has not been faithfully performed, or that the master has ill-used such servant, it shall and may be lawful for such Justice to make an order for the payment of the wages in arrear, or for the delivery of the stipulated articles, or for compensation to be made to the servant for any injury by him sustained from such negligence or improper conduct of the master, or by his non-fulfilment of the contract, or by ill-usage of such servant.

Power of Justice
on order being
disobeyed.

XIX. That if any such order as last aforesaid be not complied with, according to the exigency and tenor thereof, it shall and may be lawful for the Justice making the same, to issue a warrant for the seizure and sale of the goods and chattels of the offender, to the amount necessary for making the compensation awarded by such order; and if no goods and chattels, or not sufficient goods and chattels can be found, it shall and may be lawful for such Justice, on such fact being made to appear to his satisfaction, to issue his further or other warrant for the arrest of such master, and for his committal to prison for any term not exceeding thirty days, unless full compensation be sooner made.

Power of Justice
to dissolve con-
tracts.

XX. That in addition to or substitution of any of the punishments next hereinbefore mentioned, it shall and may be lawful, in any of the cases aforesaid, for the Justice before whom any such master shall be convicted as aforesaid, to order the contract of service to be cancelled, and such contract shall, from the making of such order as last aforesaid, be utterly null and void.

Arbitration in
certain cases.

XXI. That if any question shall arise between a master and servant respecting the meaning of any contract entered into between them under this Act, or the rights of either party under the same, or the obligation or obligations imposed on either party thereby, it shall and may be lawful for any Justice of the Peace, on the application of either party, to arbitrate between them; and his award on all such questions so brought before him shall be conclusive without appeal.

This Act not to
prevent proceed-
ings at law.

XXII. That nothing herein contained shall prevent, or be construed to prevent, any proceedings before the ordinary tribunals of the Colony,

against any master for ill-usage of a servant, or against any servant for ill-usage of a master, if the Justice of the Peace before whom the complaint shall be lodged shall decline to entertain the same, and shall deem fit to refer it to the ordinary course of law.

XXIII. That all constables and other peace officers respectively, shall obey and carry into execution all lawful orders and warrants issued by any Justice of the Peace in pursuance of this Act, under a penalty of not exceeding five pounds for every refusal or neglect, to be recovered in a summary way before any Justice as aforesaid.

Duty of constables to execute warrants, &c., under this Act.

XXIV. That the word "servant," as used in this Act, shall, except when otherwise shown by the context, refer to apprentices as well as to other servants.

Meaning of word "servant."

No. 2.

25 Vic. c. 6. *An Act to amend the Act for regulating the relative Duties of Masters and Servants, for providing for the Apprenticing of Children, and for other purposes.* (Assented to 7th March, 1862.)

I. That, in any case of conviction under the fourteenth section of the said recited Act, it shall not be lawful to impose on the party convicted a higher fine than the sum of fifty pounds, nor a longer term of imprisonment than twelve months.

Limitation as to amount of fine and imprisonment under Act referred to.

II. That the word "contract" and the words "contract of service" as used in the said Act shall, except when otherwise shown by the context, refer and include indentures of apprenticeship and the contracts contained therein, and evidenced thereby, as well as contracts of service entered into by parties not being apprentices.

Explanatory of the words "contract" and "contract of service."

No. 3.

26 Vic. c. 5. *An Act to amend the Act for regulating the relative Duties of Masters and Servants, for providing for the Apprenticing of Children, and for other purposes.* (Assented to 26th May, 1863.)

I. That every contract of service, as a domestic servant, whether written or verbal, shall be deemed and taken to be a contract of service under the said Act of the twenty-fourth year of Her Majesty's reign, chapter eight, unless the parties to such contract shall expressly stipulate to the contrary, and shall be subject to the same and the like incidents, as the contracts of service specially referred to in the said Act are subject to, and the several sections of the said Act shall extend and apply to contracts of service under this Act to the same extent as they now apply to contracts entered into in accordance with that Act.

Contract of service defined.

II. That every contract for service as a domestic servant shall, unless otherwise expressed, constitute a service by the month, and each party to such contract shall be entitled to a month's notice before the same can be put an end to; and if the master shall discharge a domestic servant, or a domestic servant shall quit his master's employment, without such notice, the party so breaking the contract of service shall be liable to pay to the other party to the contract, unless he can show to the satisfaction of the Justice hearing the case a good and sufficient excuse for the discharging from or quitting of service, as the case may be, a sum not less

Every contract of service as a domestic to constitute a service by the month unless otherwise expressed, &c.

16th section,
24 Vic. c. 8, to
apply to servants
entering into
contracts under
this Act, as well
as to apprentices.
Adjudication
under this Act or
original Act, a
bar to any fur-
ther proceedings,
Proviso.

The words
"domestic ser-
vant" defined.

in value than the sum which by such contract was payable for a month's hiring, and not exceeding double that sum; and all breaches of contract under this Act shall be inquired into, heard, and adjudicated on, and the payment of all sums of money payable thereunder shall be enforced, under the provisions of the Act to which this Act is an amendment.

III. That the sixteenth section of the said recited Act shall extend and apply to servants who have entered into contracts of service, whether under the said recited Act or this Act, as well as to apprentices.

IV. That any adjudication under this Act, or the Act to which it is an amendment, shall be a bar to any civil proceedings for the same cause of complaint: Provided, however, that nothing in this Act or the said Act contained shall be construed to prevent any party aggrieved in any manner, for which a summary remedy is afforded by this Act, from resorting to the ordinary judicial tribunals of the Colony, for redress in any case in which a summary proceeding has not been commenced under this Act.

V. That the words "domestic servant," as used in this Act, shall comprise and include all household servants, cooks, coachmen, grooms, and others employed in any fixed service about the domestic establishment of the employer.

No. 4.

27 Vic. c. 10. *An Act to amend the Laws regulating the relative Duties of Masters and Servants.* (Assented to 25th April, 1864.)

Master and ser-
vants' Act to
apply to con-
tracts made out
of the Colony.

I. That nothing in the said Act contained shall be construed to make invalid or inoperative any contract of service duly made in any part of the United Kingdom or otherwise out of the Colony, and which shall have been reduced to writing and signed with the name, or, in the case of illiterate persons, with the mark of each of the contracting parties, but the respective rights of such parties under such contract, as well against each other as against third parties invading such rights, shall and may be enforced in the courts of the Colony, in the same and like manner as other contracts or rights arising thereout may be enforced at common law; and whenever any such contract shall have been executed with the formalities required by the said Act, it shall be considered as a contract entered into under the said Act, and the respective parties thereto shall be subject to the provisions thereof, the fact of the execution of the contract having taken place out of the Colony, to the contrary notwithstanding.

CLASS VII.

CARTAGE, DRAYAGE, AND HACKNEY CARRIAGES.

No. 1.

51 Vic. c. 7. *An Act to consolidate the Laws regulating the Hire of Carts, Waggon, Drays, or other like Vehicles, plying for hire in the Island of New Providence.* (Assented to 28th March, 1888.)

Certain vehicles
may not be let
for hire without
the owner first

I. From and after the commencement of this Act, it shall not be lawful to ply a cart, waggon, dray, or other like vehicles for hire unless the owner of such cart, waggon, dray, or other like vehicle shall have

first obtained a licence for so doing from the Receiver-General and Treasurer according to the form in the Schedule of this Act annexed marked A to continue in force for one year from the date thereof, and for which the party obtaining the same shall pay the sum of ten shillings for every cart, waggon, dray, or other like vehicle thereon and thereby licensed under a penalty of five pounds, or in default of payment to imprisonment for any term not exceeding one month.

obtaining a licence, under penalty or imprisonment.

II. Every cart, waggon, dray, or other like vehicle licensed under this Act, shall have painted in plain and legible letters not less than two inches in height on the side or some other conspicuous place or part thereof at the option of the inspector of police the name of the owner thereof at full length as well as the number of such licence; and the person in charge of such cart, waggon, dray, or other like vehicle shall be decently clad and attired and wear a badge of metal or of such other description as shall be directed by any rule or regulation to be made under this Act, under penalty in either of the cases aforesaid for every offence of a sum not less than five shillings and not exceeding two pounds, or in default of payment to imprisonment for any period not exceeding twenty days.

Licensed carts, waggons, drays, &c., to have owner's name painted on them with number of licence; penalty for not so doing.

III. It shall be lawful for the owner of every dray, cart, waggon, or other like vehicle licensed under this Act upon obtaining a licence in his own name from the Receiver-General and Treasurer who shall, upon the payment of a fee of four shillings, grant the said licence in the form in the Schedule B, to this Act annexed, to employ any person to drive such dray, cart, waggon, or other like vehicle: Provided that such person be of the age of eighteen years and upwards, and be provided with decent clothes to be worn as a driver.

Owner of dray, &c., may obtain licence in his name and employ a person to drive it.

IV. It shall not be lawful for the person in charge of any licensed cart, waggon, dray, or other like vehicle, whenever the same may be loaded to ride thereon, nor shall it be lawful for the person in charge of any such cart, waggon, dray, or other like vehicle to quit the same in any place of public resort without leaving some other person of the age of eighteen years or upwards in charge thereof, whether such cart, waggon, dray, or other like vehicle be stationary or moving under a penalty in either of the cases aforesaid of a sum not less than five shillings for every offence, and not exceeding two pounds, or in default of payment to imprisonment for any period not exceeding twenty days, nor shall it be lawful under the like penalty for the person in charge as aforesaid to drive out of a walk any horse or other animal by which such cart, waggon, dray, or other like vehicle shall be drawn.

Not lawful to ride on a dray when loaded, nor to quit the same without leaving some one in charge.

V. All licensed drays, carts, waggons, or other like vehicles and the drivers thereof, shall be under the superintendence of the inspector of police and that of the police force.

Licensed drays, &c., to be under superintendence.

VI. A public stand or stands for carts, waggons, or drays, or other like vehicles plying for hire shall be provided and set apart by the Board of Public Works, and it shall not be lawful for any cart, waggon, or dray, or other like vehicle to be kept waiting for hire in any other public place, under a penalty on the driver thereof of a sum not exceeding two pounds, or in default of payment to be imprisoned for a period not exceeding twenty days with or without hard labour: Provided, however, that no part of the lot on which the public buildings are situated shall be so set apart.

Board of Public Works to set apart a stand for carts, &c.; no other public place to be used under penalty.

VII. The rates to be paid for the carriage of articles in such carts, waggons, drays, or other like vehicles shall not exceed the rates specified in the Schedule hereunto annexed marked C.

Rates to be paid for carriage of articles.

VIII. Any person in charge of a licensed cart, waggon, dray, or other like vehicle, not being at the time actually employed or engaged to be employed, who shall refuse to take charge of and convey to any place in the Island of New Providence within two miles from the Vendue

Any person in charge of a licensed vehicle unemployed may not refuse employment, under certain penalties.

House in the city of Nassau in the said Island any article which he may be required to take charge of and convey, shall forfeit and pay a sum not exceeding two pounds, or in default of payment be imprisoned with or without hard labour for a period not exceeding thirty days, or to have his licence forfeited or suspended for any period not exceeding three months, or have his licence forfeited or suspended in addition to any such penalty.

Drivers of licensed vehicles must keep their stands clean or be liable to a penalty.

All persons liable to fine or imprisonment for certain offences.

IX. It shall be the duty of the drivers of all such licensed carts, waggons, drays, or other like vehicles under the orders of the Police Inspector, to keep clean their particular stand once a week or oftener if required to do so, as also portions of any public street or thoroughfare immediately adjacent thereto, under a penalty not exceeding one pound for each and every refusal or neglect so to do, or in default of payment to imprisonment for any period not exceeding fourteen days.

X. Every person whether licensed under this Act or not who shall commit any of the offences in this section designated, shall for each such offence, on conviction thereof before the Stipendiary and Circuit Magistrate in the Island of New Providence, be liable to a penalty not exceeding three pounds for the first offence and for the second or subsequent offence a sum not exceeding five pounds, or to imprisonment with or without hard labour for any period not exceeding thirty days in default of payment (that is to say):

- (a) Whoever shall by means of any cart, dray, waggon, hand-cart, wheelbarrow or other vehicle, or by other means wilfully, carelessly, or negligently break, damage, or destroy any curb-stone, lamp post, wall or other public property.
- (b) Whoever shall at any time drive or propel any cart or other vehicle upon or across any sidewalk, except to go directly across the same into or out of any baylot or yard.
- (c) Whoever shall place upon the sidewalk of any public road or street any cart, waggon, dray, or other like vehicle as aforesaid, whether the same shall be in use or not, or whoever shall place and leave any such cart, waggon, dray or other vehicle on any street, sidewalk, or on any other part of a public road or street for the purpose of making such public road or street as a place for the deposit of such cart, dray, waggon, or other like vehicle.
- (d) Every person found galloping, riding, or driving any horse, mare, gelding, mule, ass, carriage, waggon, dray, cart, or other vehicle as aforesaid, or by any means propelling the same violently through the roads, streets, or highways, so as to endanger the life or limb of any person, or to the common danger of passengers therein.

Taxes to be paid into Public Treasury.

Licences may be suspended or forfeited upon conviction.

XI. All taxes for licences under this Act shall be paid into the Public Treasury for and towards the general revenue of the Colony.

XII. Whenever any offence in this Act mentioned is committed by any person licensed by virtue thereof, it shall be lawful for the person hearing and adjudicating on the complaint made to suspend for such period as he may think fit, or to declare forfeited the licence of any person convicted of such offence in addition to any penalty.

Rules and regulations to be made by Stipendiary and Circuit Magistrate in New Providence and Inspector of Police for government of drivers.

XIII. The Stipendiary and Circuit Magistrate in the Island of New Providence and inspector of police shall immediately after the passing of this Act, and thereafter from time to time, make rules and regulations for the government of the drivers of all licensed carts, drays, waggons, and other like vehicles, and to annex thereto penalties for the breach of any such rules and regulations, as also from time to time to alter and rescind the same; all which rules and regulations on being confirmed by the Governor in Council shall have the force and effect of law. Provided that the rules and regulations made under the "Drayman's Act, 1865,"

shall continue in force for the purposes of this Act until altered by virtue of this Section.

XIV. A printed copy of this Act and of the rules and regulations made under it shall be delivered free of charge to every person licensed under this Act, as also to every member of the police force.

A copy of this Act and rules made under it to be supplied certain persons.

XV. Nothing in this Act contained shall be held or construed to prevent the owner of any cart, waggon, dray or other like vehicle habitually kept and used for plantation purposes from hiring the same for the purpose of carrying farm produce, manures, provisions, building materials, or other articles intended to be used on farms and plantations, to any place of shipment or otherwise that it may be desired to convey these without obtaining a licence under this Act.

Licence not required for certain vehicles.

XVI. All vehicles used for plantation purposes which may be hired by their owners to convey lime or coal to market shall also be exempted from the provisions of this Act.

Certain vehicles used to convey lime or coal to market also exempted.

XVII. The owner of every cart, waggon, dray, or other like vehicle used for plantation purposes shall have printed in plain and legible letters, not less than two inches in height on the outsides of both shafts the words "Farm Cart," otherwise he shall not be entitled to the benefits contained in the Fifteenth and Sixteenth Sections of this Act.

Words "Farm Cart" to be printed on shafts.

XVIII. This Act may be cited for all purposes as "The Drayman's Title. Act, 1888."

SCHEDULE A.

Schedules.

No. (Here insert the number of the licence.)

BAHAMA ISLANDS.

By Receiver General and Treasurer.

This to licence for one year *A.B.* of the Island of New Providence to employ a cart, waggon, dray, or other like vehicle as the case may be, naming the particular description of vehicle for the carriage of articles for hire.

Dated the day of A.D. 18 .

SCHEDULE B.

BAHAMA ISLANDS, }
NEW PROVIDENCE. }

These are to license to take charge of and drive any licensed dray, waggon, cart, or other vehicle referred to in "The Drayman's Act, 1888," for a period of one year.

Given under my hand this day of 18 .

SCHEDULE C.

For the carriage of every load of five barrels of flour or their equivalent in weight or bulk the several distances following, that is to say: Not exceeding a half mile, nine pence; exceeding a half mile but not exceeding one mile, one shilling; exceeding one mile but not exceeding two miles, two shillings; and for every mile exceeding two miles, one shilling additional; and for the carriage of any articles not making a full load, a deduction of one-third of the above charge shall be made.

No. 2.

60 Vic. c. 23. *An Act to provide for the Licensing of Carriages Plying for Hire in and along the Streets of the City of Nassau and its Suburbs, and for other purposes.* (Assented to 20th May, 1897.)

Short title.

I. This Act may be cited for all purposes as "The Hackney Carriage Act, 1897."

Carriages plying for hire for the conveyance of passengers in the streets of the City of Nassau and its suburbs to be duly licensed.

II. It shall not be lawful to ply a carriage for the conveyance of passengers for hire in and along the streets of the City of Nassau and its suburbs unless the owner of such carriage shall have first obtained a licence for so doing from the Receiver-General and Treasurer, according to the form in the Schedule annexed to this Act, under a penalty not exceeding five pounds to be recovered summarily.

Issue of licences.

III. Such licence shall continue in force for a year, and may be issued for a year or any part of a year, and shall be issued to expire on the 31st day of March succeeding the date of issue.

Fee for licence.

IV. Every person obtaining a licence under this Act shall pay therefor to the Receiver-General and Treasurer when the same has been issued for a year the sum of thirty shillings, and when issued for a less period than a year a proportionate part of the sum payable for a year according to the length of time for which it is issued. *Provided*, that no licence shall be issued for less than a month, and when it is issued at any time after the first of any month the whole of such month shall be included in computing the amount payable therefor. And while any licence issued under this Act is in force the person holding the same shall be exempted from the payment of the taxes imposed on horses and carriages by the first section of "The Assessment Act, 1873."

Carriages to be numbered.

V. Every carriage licensed under this Act shall have painted in legible figures not less than two inches in height on some conspicuous part thereof, to be designated by the Commandant of Constabulary, the number of the licence obtained by the owner of such carriage under this Act.

Regulations under "The Street Traffic Act, 1897," to apply.

VI. All carriages licensed under this Act and the persons engaged in driving them shall be subject to the regulations with respect to vehicles other than bicycles framed or hereafter to be framed under "The Street Traffic Act, 1897," as if they had been specially mentioned in such Act.

Rates for the conveyance of passengers.

VII. It shall not be lawful for any person driving or in charge of a carriage licensed under this Act to charge a higher rate for the conveyance of passengers than that set out in the table annexed hereto.

A driver not to be less than 16 years of age.

VIII. That no person be employed as driver of a carriage under this Act who is less than sixteen years of age.

Taxes to be paid into the Treasury.

IX. All taxes for licences under this Act shall be paid into the Treasury in aid of the General Revenue.

Penalties.

X. Every person shall be guilty of an offence under this Act, and liable upon summary conviction to a penalty not exceeding twenty shillings, who does the following things:—

- (a) Drives a carriage without the same being numbered.
- (b) Refuses to give his number when demanded by a passenger.
- (c) Refuses to convey a person in his carriage upon the legal rate of conveyance being tendered to him.
- (d) Refuses to show his licence when required to do so by a passenger, or any member of the constabulary or police force, or a magistrate.
- (e) Who employs a person under the age of sixteen years to drive a carriage licensed under this Act.

XI. This Act shall come into operation on the 1st day of July next, and shall not apply to carriages hired from a livery stable or place, other than a street, or engaged in conveying persons from or to any mail vessel.

Commencement.
Non-application
of Act.

No.

SCHEDULE.

Schedule.

BAHAMA ISLANDS.

This is to licence *A.B.*, of the Island of New Providence, to ply a carriage for hire in and along the streets of the City of Nassau and its suburbs from the date hereof until the 31st day of March next.

Dated the day of 18 .

Receiver-General and Treasurer.

TABLE OF RATES.		Table of Rates.	
		s.	d.
For the conveyance of each passenger for a mile and under	..	0	6
For every additional mile or part of a mile	.. ..	0	6
If hired by time for each hour	.. ..	2	6
For every additional hour or part thereof, at the rate of (per hour)		2	6

CLASS VIII.

POLICE REGULATIONS.

GENERAL.

No. 1.

36 Vic. c. 15. *An Act to consolidate the Laws relating to Police Regulations.* (Assented to 19th April, 1873.)

PART I.*

With respect to regulations for guarding against the danger of fire in the City of Nassau and the suburbs thereof, be it enacted.

I. It shall not be lawful to erect, or cause to be erected, or to commence the erection on any lands, within the limits hereinafter defined, of any building, or part of any building, the outer walls or sides of which shall not be of solid stone, marble, brick or of some other like material, or of some fire-proof substance; and, if any building, or part of any building shall be erected, or the erection thereof shall be commenced in contravention of this section, every person in any way engaging in

Illegal to erect
any building
except of stone or
some fireproof
material.

* Secs. 1, 2, 3, and 9 of this Part do not apply to buildings erected under 61 and 62 Vic. c. 24.

such erection, either as directing or causing the same to be made, or in executing the works thereof, shall be liable to be proceeded against by information at the suit of the Crown, in the general court of the Colony, as and for a public nuisance.

Any violation of preceding section how dealt with.

II. It shall be the duty of the inspector of police, from time to time to ascertain and report to the police magistrate, all violations of the preceding enactment, and whenever such report shall be made by the inspector of police, the police magistrate shall issue a precept, directed to the civil engineer of the Colony, requiring him to inspect the building or buildings mentioned and referred to in such report, and it shall thereupon be and become the duty of the said civil engineer to inspect the said building or buildings, and for the proper execution of such duty, it shall be lawful for the said civil engineer, together with such person or persons as he may require to attend and assist him, to enter such building or buildings, and every part thereof, and the land on which the same is erected, or on which any such erection has been commenced, and to continue and remain thereon for such reasonable time as may be necessary for the proper performance of the duty hereby imposed on him.

Civil engineer's duty on finding any part of a building erected in contravention of this Act.

III. If the said civil engineer on such view and inspection, as aforesaid, shall find that any building or part of a building has been erected, or that the erection thereof has been commenced in contravention of the enactment aforesaid, he shall make a return to that effect on the precept, and shall then deliver the said precept, with such return to the police magistrate, aforesaid, who, after taking the necessary evidence to establish the violation of law complained of, and having bound over the accused parties and witnesses to attend at the then next term of the general court, shall forward the same to the office of the Attorney-General of the Colony, and it shall thereupon be and become the duty of the Attorney-General to institute and carry on the necessary legal proceedings not only for the trial and conviction of the parties offending in the premises, but for restraining any continued violation of the said enactment, and for compelling the removal of any building or buildings, or any part or parts of a building which may have been erected in contravention thereof.

Owners of buildings in a dilapidated state liable to be proceeded against.

IV. It shall not be lawful to allow or permit any building, or part of any building within the limits hereinafter defined, to be and remain in a ruinous or dilapidated condition, so as to be a source of danger to the houses in its neighbourhood; and if any building, or any part of any building, shall be in a ruinous or dilapidated condition, and shall not be repaired or removed as hereinafter directed, the owner or, in his absence from the Colony, his duly-authorized representative, or in the event of there being no such representative, then the occupier of the building shall be liable to be proceeded against by information at the suit of the Crown in the general court of these islands, as and for a public nuisance.

Duty of inspector of police to report any building which in his opinion may be unsafe.

V. It shall be the duty of the inspector of police, from time to time to report to the police magistrate the existence of any building which in his opinion, is in the unsafe and dangerous condition aforesaid; and whenever any such report shall be made by the inspector of police, the police magistrate shall issue a precept, directed to the civil engineer of the Colony, requiring him to inspect the building mentioned and referred to in such report, and it shall thereupon be and become the duty of the said civil engineer to inspect the said building; and if the said civil engineer, on such inspection, shall consider the said building in an unsafe or dangerous condition, he shall make a return to that effect in the precept, and shall deliver the said precept, with such return, to the police magistrate aforesaid, who, after taking the necessary evidence to establish the violations of law complained of, shall forward the same to

the office of the Attorney-General of the Colony; and it shall thereupon be and become the duty of the Attorney-General to institute and carry on any legal proceedings provided for in this Act, to compel the removal or demolition of any such building, unless, within a reasonable time after notice be given to that effect by the said Attorney-General to the proprietor of such building, or in his absence to any duly authorised representative; or in the event of there being no such representative, then to the occupier thereof, the said building shall be put in complete and thorough repair.

VI. It shall be the duty of the Attorney-General, on the receipt of the precept and return aforesaid, to notify the owner of any such building, or in his absence from the colony, his duly authorised representative, or in the event of there being no such representative, then the occupier of the building, to remove or pull it down, within sixty days from the date of notification, unless the said building shall, in the meantime, be put in complete repair; and if the owner, or his representative, or the occupier, as the case may be, of such building, shall fail to repair or remove it within the time aforesaid, it shall be and become the duty of the civil engineer of the colony to remove or pull down any such building at the expense of the owner, which expense shall be recoverable from him by the usual legal means for the recovery of debts: Provided, however, that nothing herein contained shall prevent any owner, or his representative, or the occupier, as the case may be, of any building, from obtaining an injunction to restrain the undue removal or pulling down such building, upon good cause to be shown in that behalf, within the period specified in the notification hereinbefore directed to be given.

VII. In case there should be no known owner or representative, or occupier as aforesaid, then the notification hereinbefore directed to be given may be affixed to the said building on some conspicuous part thereof; and at the expiration of sixty days from the date of such notification being fixed, and no owner appearing, it shall be lawful for the Attorney-General to obtain an order from the general court to have the said building or buildings removed, and to sell the same, and the lot on which the said building or buildings may be situated, to be sold at public auction by the provost-marshal, to defray any expense incurred by such removal and other charges incidental thereon; and that it shall be lawful for the said provost-marshal to give a title to the purchaser of any such building or buildings, or lots, and that such title shall be as valid and binding as any title authorised to be given by him for any property sold by him under power of any judgment or decree of the general court: Provided, however, that all property sold under the provisions of this Act shall be advertised for sale in one or more newspapers of the colony for a period of not less than thirty days, and that at any time during such period of thirty days the owner of any such property may resume possession of the same by payment of all expenses incurred by the proceedings relative thereto, legal and otherwise.

VIII. Any money which may accrue from the sale of the buildings or lots as aforesaid, over and above the amount of expenses incurred by the removal and other charges arising from the proceedings set forth in this Act, shall be placed in the public bank to the credit of "the owner" of such lot or lots, building or buildings, with a description thereof, and to be paid to such owner by and in pursuance of an order from the general court.

IX. The restrictions by the preceding sections of this Act imposed shall extend to all buildings, and parts of buildings, as aforesaid, erected, or the erection of which shall be commenced on any land situate between West Street to the westward, and Culmer Street to the eastward, and between the harbour of Nassau to the northward, and two hundred yards

Attorney-General's duty to notify owners of dilapidated buildings to repair them or pull them down.

Proviso.

Where there is no known owner of dilapidated building the general court may order its removal.

Proviso.

Money which may accrue from sale, how dealt with.

Districts to which the restrictions of this Act extends.

Penalty for allowing a fire to ignite in a foul chimney.

Penalty for using palmetto thatch, or making fire within certain limits.

Police magistrate's duty.

to the southward of Hill Street as far as the same extends east and west, and five hundred yards to the southward of that part of Shirley Street which lies between East and Culmer Streets.*

X. AND WHEREAS fires may occur from chimneys being allowed to become foul and remain in that condition, be it enacted that the occupier of any house within the city of Nassau and the suburbs thereof extending to Church Street to the eastward, and Nassau Street to the westward, and to one hundred yards to the southward of Hill Street, and a line running eastwardly until it intersects a line extending south one hundred yards of St. Matthew's churchyard, and from West Hill Street, south along the Baillou Hill Road to its junction with Dillet's Street and Meeting Street, until the junction of the latter street with Nassau Street aforesaid, in which a fire may be used, and in the chimney of which a fire shall at any time break out, shall forfeit and pay a fine not exceeding two pounds ten shillings, on each and every occasion on which the same shall occur.

XI. It shall not be lawful for any person within the limits lastly defined to cover in or enclose, or cause to be covered in or enclosed with palmetto or any other thatch, the roof or any other part of any house, hut or other building, nor to use any wooden chimney, nor to make fires in kitchens, or other buildings without chimneys, nor in yards or open spaces, contiguous to buildings, nor to make any fire for the purpose of boiling tar, pitch, tallow, turpentine or rosin in any place within the limits aforesaid within thirty feet of any house, fence, pile of lumber, cotton or other combustible material, or on board of any vessel lying in the harbour of Nassau at any abutment, or within twenty feet of any such abutment, or of any other vessel, or on any stage, raft, or other floating body in such harbour, within the distance last aforesaid from any abutment or vessel, or to smoke in any yard or enclosed place where cotton is stored, under a penalty not exceeding ten pounds for every offence; and it shall further be lawful for the said police magistrate, upon information laid before him, or on his own view, to cause any such thatched hut or wooden chimney erected, covered in or enclosed contrary to the provisions of this section, to be pulled down and removed at the expense of the owner or owners thereof; and if such owner, after having a statement of such expense furnished him, shall refuse or neglect to pay the same, it shall be lawful for the said police magistrate to issue his warrant or warrants to levy and make the amount thereof with costs, out of the goods and chattels of such owner; and if no goods and chattels shall be found, then to take the body of the offender, and the same to lodge in the prison of the Island of New Providence, there to be detained for any term not exceeding ten days.

*And with respect to Police Regulations applicable to the entire colony;
Be it enacted as follows:*

PART II.

Acts relating to public nuisances to be dealt with in a summary manner.

Penalty for throwing putrid substances into any water near a town.

XII. Every person who shall throw, or cause to be thrown, into any harbour or other waters adjacent to any town or settlement within these islands, any putrid hides or the carcases of any dead animal or other putrescent substance, shall be liable to a penalty not exceeding five pounds for each offence.

* See 43 Vic. c. 17, 44 Vic. c. 4, and 50 Vic. c. 3, *post*, Nos. 3, 4, and 5 of this Class.

XIII. Every person who shall within the limits of any town or settlement within these islands, or the suburbs thereof, lay out to air or dry or otherwise expose, whether for sale or otherwise, any green or putrid hides or any putrid meat, fish, or other substance, or who shall keep any such offensive substance in any place whatever, to the annoyance of the persons residing in the neighbourhood, shall be liable to a penalty not exceeding five pounds for each offence.

Penalty for
keeping putrid
substances.

XIV. Every person who shall throw or place or cause to be thrown or placed upon any part of any public thoroughfare in any town, or settlement within these islands any soapsuds, pickle, or other liquid or solid substance of an impure or otherwise offensive description not coming within the description of substances referred to in the next preceding section, shall be liable to a penalty not exceeding one pound for every offence.

Penalty for plac-
ing any impurity
in a thorough-
fare.

XV. Every person who shall throw or cause to be thrown any such soapsuds, pickle or other impure or offensive liquid or solid substance, as last aforesaid, into any public drain, gutter, or sewer, shall be liable to a penalty not exceeding one pound.

Penalty for
throwing im-
purities into
drains.

XVI. Every penalty by the four preceding sections imposed shall be recoverable in a summary manner before any one of Her Majesty's justices of the peace, and in default of payment it shall be lawful for the convicting justice to issue his warrant for the committal of the offender to the prison of the district within which the offence was committed, there to be imprisoned for any period not exceeding ten days, unless the penalty imposed shall be sooner paid.

Penalties, how
recoverable.

XVII. It shall be further lawful for the convicting justice to order the nuisance complained of, if continuing at the time of conviction, to be abated and the putrescent substance constituting the nuisance to be destroyed or removed, and to issue all necessary orders and warrants for the purpose.

Order of justice.

XVIII. All expenses incurred in the abatement of any nuisance under the next preceding section, or in the destruction and removal of the substance or substances constituting any such nuisance, shall be borne by the person or persons convicted of any offence in connection therewith, as aforesaid, and the payment thereof may be enforced in the same and the like manner as orders of a justice for the payment of money may be enforced in other cases.

Expenses incur-
red in removal or
abatement of any
nuisance

PART III.

And with respect to carrying loaded fire-arms or other deadly weapons about the person ; Be it enacted :

XIX. It shall not be lawful for any person to carry about his person in any street, or other place of public resort within these islands any loaded pistol, or any dagger, or sword-stick, or other like deadly weapon, under a penalty of not exceeding ten pounds for every offence.

Not lawful to
carry deadly
weapons.

XX. And for the better discovery and punishment of offences under this Act, it shall be the duty of any constable, upon being credibly informed, or otherwise becoming aware that any person is armed, in contravention of the preceding section of this Act, to arrest or cause such person to be arrested, and to take or cause to be taken, from him, the pistol, dagger, sword-stick, or other deadly weapon with which he may be so armed, as aforesaid.

Constables may
arrest any person
with deadly
weapons.

XXI. In addition to the pecuniary penalty by the nineteenth section of this Act imposed on carrying loaded fire arms, it shall be lawful for the justice before whom the charge for any such offence is laid, in his discretion to order the forfeiture to the Crown, of the pistol, dagger, sword-stick, or other weapon, for the carrying of which such penalty shall have been imposed.

Justice may
order forfeiture
of weapons.

Foregoing not applicable to naval and military services.

XXII. Nothing in this Act contained shall extend or apply to the wearing, or carrying by persons in the military or naval service of Her Majesty, Her heirs and successors, or of any foreign power, or by persons otherwise in the service of Her Majesty, Her heirs and successors, or of any foreign power, who are authorised by virtue of such service to wear or carry arms of the particular description of arms which such persons are respectively, by virtue of their offices, authorised to carry or wear.

PART IV.

And for the better suppression of Vagrancy, and for the punishment of idle and disorderly persons, and rogues, vagabonds, and other vagrants ; Be it enacted as follows :

Who are idle and disorderly persons under this Act.

XXIII. Every person being able, wholly or in part, to maintain himself or herself, or his or her family, by labour, or by other means, and wilfully refusing or neglecting so to do, by which refusal or neglect he or she, or any of his or her family, whom he or she may be legally bound to maintain, shall have become burthensome upon the public funds of this colony ; every common prostitute wandering in the public streets or highways, or in any place of public resort within these islands, and behaving in a riotous or indecent manner ; and every person wandering abroad, or placing himself or herself in any public place, street, wharf, highway, court, or passage, to beg or gather alms, or causing, or procuring, or encouraging any child or children so to do, shall be deemed an idle and disorderly person, within the true intent and meaning of this Act ; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him by his own view, or by the confession of such offender, or by the evidence, upon oath, of one or more credible witness or witnesses), to any lawful place of confinement, there or on the public streets or highways, to be kept to hard labour, for any time not exceeding fourteen days : Provided, nevertheless, that no person shall be deemed to be an offender under this Act, by reason of such begging, or gathering alms, as aforesaid, or by reason of his, or her causing, or procuring or encouraging, any child or children, so to do, unless it shall be made to appear, to the satisfaction of the justice before whom he or she shall be charged with such offence, that the offender, by his or her own labour, or by other lawful means, or from any public funds appropriated for that purpose, have been provided with the necessaries of life.

How to deal with idle and disorderly persons.

Proviso.

The conviction of idle and disorderly persons, together with fortune-tellers, obscene persons, gamesters, or anyone having in possession unlawful weapons, &c., &c., &c., provided for before a justice of the peace.

XXIV. Every person committing any of the offences hereinbefore mentioned, after having been convicted as an idle and disorderly person ; every person pretending, or professing, to tell fortunes, or using, or pretending to use, any subtle craft or device, by palmistry, obeah, or any such like superstitious means, to deceive, and impose on any of Her Majesty's subjects, or upon any other person ; every person wilfully exposing to view in any street, road, highway, or public place, any obscene print, picture, or other indecent exhibitions ; every person wilfully, openly, and obscenely exposing his, or her person, in any street, public road, or highway, or in the view thereof, or in any public place of resort ; every person endeavouring to procure charitable contributions, of any nature or kind, under any false or fraudulent pretence ; every person playing, or betting in any street, road, or highway, market or wharf, or other open and public place, at or with any table, or instrument of gaming whatsoever, at any game, or pretended game of chance ; every person having in his or her custody, or possession, any pick-lock, key, crow, jack-bit, or other implement, with intent, feloniously, to break into any dwelling-house, warehouse, store, shop, office, church, chapel, cellar, coach-house, stable, or out-building ; or being armed with

any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon : or having upon him or her any instrument whatsoever, with intent to commit any felonious act; every person who shall be found in or upon any dwelling-house, warehouse, store, shop, office, church, chapel, or out-house attached to any dwelling-house, or in any enclosed yard, garden, orchard, or plantation, or field, *between the setting and rising of the sun* (such person not being the owner or occupier, or an inmate or member of the family of the owner or occupier of the premises in question), without being able to give a lawful excuse for being so there, and every person apprehended as an idle and disorderly person, and violently resisting any constable, or other peace officer, so apprehending him or her, and being subsequently convicted of the offence for which he, or she, shall have been so apprehended, shall be deemed a rogue and a vagabond, within the true intent and meaning of this Act. And it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him on his own view, or by the confession of such offender, or by the evidence, on oath, of one or more credible witness or witnesses), to any lawful place of confinement, as aforesaid, there, or on the public streets, roads, or highways, to be kept to hard labour for any time not exceeding twenty-eight days; and every such pick-lock, key, crow, jack-bit, and other implement, and every such gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, and every such instrument as aforesaid shall, by the conviction of the offender, become forfeited to Her Majesty, and shall be forthwith sold, and the proceeds thereof applied towards the expenses of the government of this colony.*

XXV. Every person breaking or escaping out of any place of legal confinement, before the expiration of the term for which he or she shall have been committed, or ordered to be confined, by virtue of this Act; every person committing any offence against this Act; which shall subject him or her to be dealt with as a rogue and vagabond, such person having been at some former time adjudged so to be, and duly convicted thereof; and every person apprehended as a rogue and vagabond, and violently resisting any constable or other peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed an incorrigible rogue, within the true intent and meaning of this Act; and it shall be lawful for any justice of the peace to commit such offender (being therefore convicted before him, on his own view, or by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to any lawful place of confinement, there to remain until the next ensuing term of the general court.

XXVI. It shall be lawful for any police, or other constable, or peace officer, to apprehend any person who shall be found offending against either of the next three preceding sections of this Act, and forthwith to take and convey him or her before some justice of the peace, to be dealt with in such manner as hereinbefore directed; and in case any police, or other constable, or peace officer, shall refuse, or wilfully neglect to take any such offender into his custody, and to take and convey him or her before some justice of the peace, or shall not use his best endeavours to apprehend and convey before such justice any person whom he shall find offending against this Act, it shall be deemed a neglect of duty in such police, or other constable, or peace officer, and he shall, on conviction, be punished in such manner as hereinafter directed.

XXVII. It shall be lawful for any justice of the peace, upon oath being made before him, that any person hath committed, or is suspected to have committed, any offence against the provisions last aforesaid, to

What constitutes an incorrigible rogue within the meaning of this Act, how dealt with.

Constables may apprehend persons offending against previous sections.

Neglect on part of constable.

Powers of justices.

* The words in italics repealed by 39 Vic. c. 15.

Judge may com-
mit incorrigible
rogues.

Search warrants
may be issued for
the apprehension
of idle, disorderly
persons, &c., &c.

Penalty for
cruelty to
animals.

Injury to animals
how provided for.

Proviso.

Proviso.

Constables may
secure persons
offending, with-
out a warrant.

Time in which
complaint may
be made.

issue his warrant to apprehend, and bring before him, or some other justice of the peace, the person so charged, to be dealt with as is directed by this Act.

XXVIII. When any incorrigible rogue shall be committed to any lawful place of confinement, there to remain until the next term of such general court, as aforesaid, it shall be lawful for the chief justice, or other judge of such court, in term, to inquire into the circumstances of the case, and to order that such offender be further imprisoned in some lawful place of confinement, and there, or on the public streets or high-ways, to be kept to hard labour for any time not exceeding six calendar months from the time of making such order.

XXIX. It shall be lawful for any justice of the peace, upon information, on oath, before him made, that any person, hereinbefore described to be an idle and disorderly person, or a rogue and vagabond; or an incorrigible rogue is, or is reasonably suspected to be harboured or concealed in any house, or other place, by warrant, under his hand and seal, to authorise any constable, or other person, or persons, to enter, at any time, into such house or place, and to apprehend and bring before him, or any other justice of the peace, every such idle and disorderly person, rogue and vagabond, and incorrigible rogue, as shall be then and there found, to be dealt with in the manner hereinbefore directed.

PART V.

And with respect to Cruelty to Animals; Be it enacted:

XXX. If any person shall from and after the passing of this Act cruelly beat, ill-treat, over-drive, abuse, or torture, or cause, or procure to be cruelly beaten, ill-treated, over-driven, abused, or tortured, any animal, every such offender shall, for every such offence, forfeit and pay a penalty not exceeding five pounds.

XXXI. If any person shall, by cruelly beating, ill-treating, over-driving, abusing, or torturing any animal, do any damage or injury to such animal, or shall thereby cause any damage or injury to be done to any person, or to any property, every such offender shall, on conviction of such offence, pay to the owner of such animal (if the offender shall not be the owner thereof), or to the person who shall sustain damage or injury as aforesaid, such sum of money by way of compensation, not exceeding the sum of ten pounds, as shall be ascertained and determined by the justice of the peace by whom such person shall have been convicted: Provided always, that the payment of such compensation, or any imprisonment for the non-payment thereof, shall not prevent or in any manner affect the punishment to which such person, or the owner of such animal, may be liable for or in respect of the beating, ill-treating, or abusing of the said animal: Provided also, that nothing herein contained shall prevent any proceeding by action against such offender, or the employer of such offender, where the amount of damage or injury is not sought to be recovered under this Act.

XXXII. When and so often as any offence under the preceding thirtieth section of this Act shall be committed, it shall be lawful for any constable, upon his own view thereof, or upon the complaint and information of any other person, who shall declare his or her name, and place of abode to the said constable, to seize and secure by the authority of this Act any such offender, and forthwith, without any other authority or warrant, to convey such offender before a justice of the peace, to be dealt with by such justice for such offence according to law.

XXXIII. Every complaint under the said thirtieth section shall be made within one calendar month after the cause of such complaint shall arise, and every offence committed against this Act may be heard and

determined by any justice of the peace within whose jurisdiction such offence shall be committed in a summary way.

XXXIV. Repealed by "The Magistrates Act, 1896."

XXXV. The word "animal" shall be taken to mean any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, dog, cat, or any other domestic animal, or any description of poultry or bird. "Animal" defined.

PART VI.

And with respect to other General Police Regulations; Be it enacted as follows :

* XXXVI. Every person who shall commit any of the offences in this section designated, shall, for each such offence, on conviction thereof, in manner hereinafter provided for, be liable to a penalty not exceeding fifty shillings, or to imprisonment, with or without hard labour, for any period not exceeding twenty days (that is to say) : Penalty for certain offences.

Every person who shall in any public road, street, highway, square, alley, path, market, or other place of public resort, or in any place within sight or hearing of the persons then being in such public road, street, highway, square, alley, path, market, or other place of public resort, or of persons then being in the neighbourhood, disturb the Queen's peace by fighting or quarrelling with any other person, or by making any loud noise by shouting or otherwise, to the annoyance of the persons residing or then being in the neighbourhood, or who shall use or apply to any other person then being in any such public road, street, highway, square, alley, path, market, or other place of public resort, or within sight and hearing thereof, any violent, scurrilous, or highly abusive term of reproach, or other words or language, tending to a breach of the peace. Disturbing the Queen's peace.

Every person who in any such public road, street, highway, square, alley, path, market, or other place of public resort, or in any place within sight and hearing of the persons therein, shall sing any profane or obscene song, or use any profane, obscene, or indecent language, expression, or term, whether the same shall be applied to any other person or not. Profane and indecent language.

Every person who offers for sale, or distributes, or exhibits to public view, any profane, indecent, or obscene book, paper, writing, print, drawing, or representation. Bad books or drawings.

Every person who wilfully and indecently exposes his person to or within view of any other person. Exposing the person.

Every person who wantonly, to the annoyance or danger of the inhabitants of any town, or of the passengers in any public road, street, or highway, square, alley, or path, or of the frequenters of any market or other place of public resort, discharges any cannon, musket, or other firearm, or throws or discharges any stone, or other missile, or makes any bonfire, or throws or sets fire to any firework. Discharges cannon or fire-works.

Every person who plays at cricket or any other game in any public road, street, highway, square, alley, or path, or other place of public resort, to the annoyance or danger of the passengers or frequenters thereof. Cricket or games.

Every person who flies any kite in or over any public road, street, highway, square, alley, or path, to the obstruction, annoyance, or danger of the residents or passengers. Flies kites.

Every person who suffers to be at large any unmuzzled ferocious dog, or sets on or urges any dog or other animal to attack, worry, or put in fear any person or animal. Ferocious dogs.

* See 55 Vic. c. 12 and 60 Vic. c. 34, *post*, Nos. 6 and 7 of this Class, creating other offences and amending this section as printed in italics.

Rides or drives
furiously.

Every person who in any public road, street, highway, square, alley, or path, rides or drives furiously any horse or other animal or carriage, cart, or dray, or any other description of vehicle, or drives furiously any cattle.

Drunkenness.

Every person drunk in any public road, street, highway, square, alley, path, market, or other place of public resort, and guilty of any violent or indecent behaviour therein.

Insults a justice
or behaves badly
at police office.

Every person guilty of any violent or indecent behaviour in any police office or station house, or in any lock-up house, or in any building used as a police office, station, or lock-up house, or who shall wilfully insult a justice of the peace while in the execution of his office.

In or near a
church.

Every person who shall behave irreverently or indecently in or near any church, chapel, or other building appropriated for religious worship during the time of divine service; and

Assembling in
any public place
to the annoyance
of neighbour-
hood.

All persons who shall assemble together in any public road, street, highway, square, alley, path, or other place of public resort, or in any open space of ground in the immediate neighbourhood of any such public road, street, highway, square, alley, path, or other place of public resort, for any idle, lewd, vicious, or disorderly purpose, or otherwise than in the regular performance or in the pursuance of some lawful calling or object, to the annoyance or obstruction of the passengers or persons frequenting such public road, street, highway, square, alley, path, or other place of public resort, or of the persons residing in the neighbourhood thereof, and who shall not disperse or move away when thereunto required by a magistrate, constable, or other peace officer.

Loiterers.

All loitering, carousing, or the like in or about any shop or place where liquors are sold by retail.

Negligent
carriage-driving.

Every person who driving any carriage, cart, waggon, or dray, shall ride thereupon, not himself guiding, or having some other person on foot to guide the same, in any town of the colony; or every person who, while in charge of any such cart, carriage, waggon, or dray, shall quit the same in the said streets in any of the said towns, without leaving some other person to take care of and guide the same when moving.

Leaving vehicles
in foot or car
riage-way.

Every person who being in the possession of any carriage, cart, waggon, or dray, handcart or wheelbarrow, shall permit the same to be and remain in any public carriage-way or footpath, except when in actual use or waiting for employment, and then only in such manner as will not obstruct the passage of carriages or foot passengers; and

Posting defama-
tory matter.

Every person who shall post in any place of public resort, or in sight of persons who may be passing through or by such place of public resort, any defamatory matter relating to any other person, or who shall otherwise publicly distribute any such defamatory matter.

Penalty for
drunkenness.

XXXVII. Any person found drunk in any street, alley, or other open space, shall be liable to a penalty of five shillings, and in default of payment, to be imprisoned for any period not exceeding four days.

Cattle found in
burial grounds,
penalty.

XXXVIII. It shall not be lawful to depasture or permit to run at large in any public burial ground, any horse or mare, mule or ass, or any horned or other cattle, sheep or goats, or any swine, or any other quadruped, under a penalty of ten shillings for each animal; and every such animal as herein mentioned, or described found within any burial ground, may be impounded by any constable, or any person acting under the order of a justice of the peace, or constable, and there kept until the penalty aforesaid, together with all proper costs and charges, shall have been paid.

Protection of
constables.

XXXIX. Repealed by 53 Vic. c. 29.
XL. Every person who assaults, resists, or impedes, or who aids or incites any person to assault, resist, or impede any constable in the execution of his duty, shall for every offence be liable to a penalty not exceeding ten pounds, or in the discretion of the convicting justice, may

be imprisoned for any term not exceeding three months, with or without hard labour.

XLII. Whenever any person shall be convicted of any offence under this Act, and it shall after such conviction be proved to the satisfaction of the convicting justice, that the party convicted had, within twelve months then next preceding, been summarily convicted of an offence of a similar character, it shall be lawful for such justice, in his discretion, to sentence the offender to pay any sum of money, not exceeding, when the original offence is punishable by fine, double the amount of the pecuniary penalty attached to the offence, or when the punishment is by imprisonment, double the period of imprisonment sanctioned by this Act. And whenever any person convicted as aforesaid, shall after such conviction be proved to the satisfaction of the justice to be an old and hardened offender of general bad character, hard labour and solitary confinement may be added to any sentence of imprisonment, or may be imposed as a substantive punishment for any term not exceeding three months.

Previous, and old and hardened offenders, how dealt with.

XLIII. Every person who shall unlawfully have in his or her possession or keeping, or shall knowingly detain, buy, exchange, or receive from any soldier or deserter, on any pretence whatsoever, or shall solicit or entice any soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks or provided under barrack regulations, or regimental necessaries, or any article of forage provided for any horses belonging to Her Majesty's Service, or shall change the colour of any clothes as aforesaid, shall forfeit, for every such offence, any sum not exceeding one pound, together with the value of all or any of the several articles of which such offender shall so become possessed, and in default of payment shall be liable to be imprisoned for a period not exceeding fourteen days; and if any credible persons shall prove on oath, before a justice of the peace, a reasonable cause to suspect that any person has in his or her possession, or in his or her premises, any property of the description hereinbefore described, on or with respect to which any such offence shall have been committed, the justice may grant a warrant to search for such property, as in the case of stolen goods.

Penalty to have in possession soldiers' necessaries.

Search warrant may issue.

XLIV. For the better prevention of petty thefts, it shall be lawful for any member of the police force of the colony, or for any other constable, to stop and detain any person he may meet, carrying any goods, wares or merchandise, or luggage of any description, in order to ascertain who the person is, and the nature of the property in his or her possession; and in case he or they shall suspect such property to be improperly come by, and the person in whose possession the same shall be, shall not give an account of himself or herself to the satisfaction of such police or other lawful constable, such person may be conveyed to the station-house, and be there detained or released, as in the discretion of the officer in charge may appear proper; and it shall be lawful for the keeper of any prison to receive into his custody any person detained by the police or any other lawful constable as aforesaid, on Saturday night, and him or her keep therein until the following Monday, until taken before the proper magistrate or some other justice of the peace for examination, and to be dealt with according to law.

Constables may detain any person carrying goods, to ascertain who he is.

XLV. It shall be the duty of all constables, on being credibly informed of the existence of any offence punishable under this or any other Act of the General Assembly of these Islands, to repair without delay to the place designated, in order to repress or assist in repressing the same, or otherwise to assist in carrying the provisions of this or any other Act as aforesaid into execution; and it shall be lawful for any such constable or constables to enter into any yard or other enclosure in the execution

Duty of constables.

Constables may convey any persons to station house offending against decency or morality.

Summary way of adjudication.

Proviso.

Protection of justices of the peace.

Actions to be begun in six months' notice.

Tender of amends, &c.

Commencement of Act.

of any such duty, and there to remain for such reasonable time as may be necessary for the proper discharge of such duty.

XLV. It shall and may be lawful for any constable to apprehend and lodge in the station-house or other place of security, for safe keeping, until the party or parties can be conveniently carried before some justice of the peace, any person found or being in a state of intoxication, or disturbing the peace by loud quarrelling, or using any violent or indecent terms of reproach in or near the public streets, or guilty of any other offence against the laws which may be an outrage of public decency or morality.

XLVI. All offences under this Act may, when not otherwise hereinbefore provided, be heard, tried and determined in a summary way, by any one of Her Majesty's justices of the peace for these islands or for the island or district within which the offence shall be committed; and all proceedings in every such case shall be in accordance with the provisions of the Act of Assembly of the twelfth year of Her Majesty's reign, chapter ten: Provided always, that in case the justice or justices before whom any charge is laid under this Act, which can be made the subject of a prosecution in the general court of these islands, shall be of opinion that such charge, from any circumstances ought to be made the subject of prosecution in such general court, he or they shall in every such case, abstain from any adjudication thereupon, and shall deal with such charge as directed by the Act of Assembly of the twelfth year of Her Majesty's reign, chapter nine.

XLVII. If any person shall, by violent means, or by threats, menaces, or otherwise howsoever, obstruct, hinder, or impede any justice of the peace, or other person or persons, from putting into execution any of the provisions in this Act contained, every person so offending shall, for every such offence, be proceeded against in the general court of these islands at the suit of the Crown, by information, and on conviction, be subject to fine or imprisonment, with or without hard labour, or both, at the discretion of the court.

XLVIII., XLIX., L., and LI. Repealed by "The Magistrates Act, 1896."

LII. And for the protection of persons acting in the execution of this Act, Be it enacted, that all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought by, or if a sufficient sum of money shall have been paid into court after such action brought by, or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuited, or discontinue any such action after issue joined, or if upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs, and have the like remedy for the same as any defendant hath by law in other cases.

LIII. Repealed by "The Magistrates Act, 1896."

LIV. This Act shall commence and take effect on the second day of June, 1873, and may for all purposes be cited as "The Police Regulation Act, 1873."

No. 2.

39 Vic. c. 15. *An Act to amend the Act 36 Vic. c. 15 consolidating the Laws relating to Police Regulations, and for other purposes.* (Assented to 2nd March, 1876.)

WHEREAS, under the twenty-fourth section of the Act to which **PREAMBLE.**
this Act is an amendment, it is provided that persons who shall be found in or upon any dwelling-house, warehouse, store, shop, office, church, chapel, or out-house attached to any dwelling-house, or in any enclosed yard, garden, orchard, plantation, or field, between the setting and rising of the sun (such person not being the owner or occupier, or an inmate or member of the family of the owner or occupier of the premises in question) without being able to give a lawful excuse for being so there, shall be deemed a rogue and vagabond, and may be proceeded against and punished, as in and by the said Act is provided. And whereas, in consequence of the continual depredations committed by idle and lazy persons who have no visible means of support, and who trespass upon lands and plantations in the day time for the purpose of facilitating their depredations in the night time, it is desirable to extend the provisions of the said twenty-fourth section to trespasses committed in the day as well as the night time. May it, &c.

I. The words "between the setting and rising of the sun" in the twenty-fourth section of the said recited Act shall be and the same are hereby repealed. **Repeals certain words.**

II. If, upon the trial of any person charged under the twenty-fourth section of the said recited Act, with being unlawfully upon the premises of another person, it shall appear to the justice that the offender has no visible means of support, and that such trespass was committed for the purpose of committing larceny, it shall be lawful for such justice to sentence the offender to be imprisoned with hard labour for any term not exceeding six months, and, in addition, if a male under the age of fourteen years, to be once or twice privately whipped. **Punishment for being unlawfully upon the premises of another.**

III. This Act shall be construed with and taken as part of the said Act 36 Victoria, chapter 15. **To be part of 36 Vic. c. 15.**

No. 3.

43 Vic. c. 17. *An Act to amend Part I. of "The Police Regulation Act, 1873."* (Assented to 2nd April, 1880.)

WHEREAS it is expedient to amend Part I. of "The Police Regulation Act, 1873"; May it, &c. **PREAMBLE.**

I. This Act may be shortly cited as "The Police Regulation Amendment Act, 1880," and shall be read together with the said recited Act as one Act. **Title.**

II. Clause 9 of "The Police Regulation Act, 1873," is hereby repealed. **Repeal.**

III. The provisions of "The Police Regulation Act, 1873," Part I., are, with the exception of the 9th clause, hereby extended and made applicable to any ruinous or dilapidated building within the limits hereinafter defined, which the civil engineer of the colony shall certify to fall under any one of the following heads, that is to say:— **Extension of provisions of Part I. of "Police Regulation Act, 1873."**

- (1) Either a source of any imminent peril to life or property, or which will shortly become so.
- (2) Or which is unfitted for human habitation.
- (3) Repealed by 44 Vic. c. 4.

Limits.

IV. For the purposes of this Act the limits shall extend from Church Street eastwardly to Nassau Street westwardly, and between the Harbour of Nassau to the northward and two hundred yards to the southward of Hill Street, as far as the same extends east and west, and five hundred yards to the southward of that part of Shirley Street between East and Culmer Streets.

No. 4.

44 Vic. c. 4. *An Act to amend "The Police Regulation Amendment Act, 1880."* (Assented to 12th March, 1881.)

Repeals.

I. Sub-section III. of clause three of "The Police Regulation Amendment Act, 1880," is hereby repealed.

Amendment.

II. In lieu of the said sub-section III., so repealed as aforesaid, the following sub-section shall be read:—

"Or which may be so ruinous and dilapidated as to be a nuisance."

Defines City limits.

III. The limits of the City of Nassau, as defined by "The Police Regulation Act, 1873," shall, for the purposes of the first clause of the said Act, still be deemed and taken to be in force, anything in the said "Police Regulation Amendment Act, 1880," to the contrary notwithstanding.

No. 5.

50 Vic. c. 3. *An Act to indemnify all persons who have acted contrary to the Acts of Assembly relating to the erection of Wooden Buildings, and to provide against future violations of the said Acts.* (Assented to 6th May, 1887.)

PREAMBLE.

WHEREAS slight violations of the laws relating to the erection of wooden buildings within the limits of the Island of New Providence marked out by the Acts of Assembly passed with reference thereto have so frequently taken place in years passed, that persons may have considered that such laws were obsolete, and in consequence more extensive infractions of such laws have been committed from time to time. AND WHEREAS, by petition to the Legislature it has been alleged that violations and infractions, consisting of additions to buildings have been committed unwittingly that may have been in existence for a long period of time, and that great hardship and expense would ensue were the parties compelled to remove the parts of buildings so erected. AND WHEREAS a Select Committee of the House of Assembly, after due enquiry into the allegations of the said petition has reported in favour of the petitioners and recommended the passing of an Act indemnifying all persons who may have committed any violations as aforesaid, and the amendment of the existing laws on the subject, so as to prevent any further breaches thereof; May it, &c.

Exemption of certain buildings.

I. The provisions of "The Police Regulation Act, 1873," shall not apply to any building or part of a building erected prior to the twenty-eighth day of February last past within the limits set out in the ninth section of the said Act. And all persons who may have erected any building or part of a building prior to the said twenty-eighth day of February last past in contravention of the first section of the aforesaid Act, shall be and are hereby released from any liability whatsoever under the said Act with respect to the erection of such building or part of a building.

II. After the passing of this Act no building shall be erected within the limits of the Island of New Providence set out in the ninth section of "The Police Regulation Act, 1873," nor any addition made to any building already erected until the person intending to erect such building, or to make such addition to a building already erected, shall notify in writing the inspector of police of his intention so to do.

The erection and addition to certain buildings must be notified.

III. Any person erecting a building within the said limits, or making any addition to a building already erected therein, without giving the notice required by the preceding section, shall be liable to a penalty not exceeding five pounds, to be recovered in a summary way before the Stipendiary and Circuit Magistrate performing duty in the Island of New Providence.

Penalty for not giving notice.

IV. Nothing herein contained shall be construed in any way to permit in the future the erection of buildings or parts of buildings other than according to the provisions of the first section of "The Police Regulation Act, 1873."

Construction.

No. 6.

55 Vic. c. 12. *An Act to amend "The Police Regulation Act, 1873."*
(Assented to 8th April, 1892.)

I. Every person who shall commit any of the offences hereinafter mentioned shall, on conviction thereof, in the manner provided by "The Police Regulation Act, 1873," be subject and liable to the same and the like punishment as is now imposed upon any person convicted of either of the offences designated in the thirty-sixth section of the said Act, that is to say:

Penalty for certain offences.

Every person, being the owner or occupier of any premises, who shall knowingly and wilfully permit any disturbance of the public peace, by loud shouting or otherwise, in and upon such premises.

Disturbance of the public peace.

Every person who shall enter upon the premises of any other person against the will and permission of the owner or occupier of such premises, or, being upon the premises of another, shall refuse to leave when ordered and required to do so by the owner or occupier of such premises; or shall return to any premises after being removed therefrom.

Entering upon the premises of another person.

Every person bathing from any public wharf or any place of public resort between the hours of 5 a.m. and 7 p.m.

Bathing from any public wharf, &c.

Every person driving a carriage, or causing the same to be driven in and along any public place between sunset and sunrise, without carrying or having attached thereto a fixed light.

Driving carriages without a fixed light.

Every person who shall drive a loaded dray or cart in any public place beyond a walking pace.

Driving loaded vehicles beyond a walking pace.

Every person who in any way or manner interferes and meddles with any lamp in any public street or thoroughfare.

Interfering with public lamps.

II. In reading hereafter the thirty-sixth section of the said "Police Regulation Act, 1873," the word "or" shall be substituted and read for the word "and" between the words "sight" and "hearing" in the eighth line of the said clause; and after the word "resort" in the tenth line of the same clause the following words shall hereafter be inserted and read, that is to say "or of persons then being in the neighbourhood."

Amends.

No. 7.

60 Vic. c. 34. *An Act to amend "The Police Regulation Act, 1873."*
(Assented to 15th June, 1897.)

Short title.

I. This Act may be cited for all purposes as "The Police Regulation Amendment Act, 1897."

Meaning of the words "principal Act."

II. Wherever in this Act the words "principal Act" occur, they shall be held to mean and refer to "The Police Regulation Act, 1873."

Penalty for certain offences.

III. Every person who shall commit the offences hereinafter mentioned shall on conviction thereof be subject and liable to the same and the like punishment as is now imposed upon any person convicted of either of the offences designated in the thirty-sixth section of the principal Act, that is to say:

Digging up or removing sand, earth or stones from beach or seashore.

Every person who digs up, removes, or carries away any sand, earth or stones from any part of the beach or seashore on and along the Island of New Providence without permission in writing from the civil engineer of the Colony, where such beach or seashore is Crown land, or land of the Colonial Government; and of the owners thereof where the same is private property.

Depositing offensive substance or refuse material on beach or seashore.

Every person who without the permission in writing as aforesaid places or deposits on any beach or seashore as aforesaid, or on the land adjoining the same any offensive substance, or refuse material.

Amends.

IV. In reading hereafter the thirty-sixth section of the principal Act the words "or other words or language" shall be inserted and read after the word "reproach," and before the word "tending" in the eleventh line of such section.

UNLAWFUL INTRODUCTION OF LIQUORS ON BOARD OF HER MAJESTY'S VESSELS, AND AIDING DESERTERS.

No. 8.

50 Vic. c. 13. *An Act to provide for the punishment of persons introducing liquors on board of Her Majesty's ships and aiding or assisting officers, seamen or marines in Her Majesty's Service in deserting therefrom.* (Assented to 6th May, 1887.)

Not lawful to bring on board Her Majesty's ships without permission spirituous liquors.

I. It shall not be lawful for any person to bring on board any of Her Majesty's ships or vessels any spirituous or fermented liquor of any description, without the previous consent of the officer commanding the ship or vessel on board of which the same may be brought; and it shall be lawful for any officer in Her Majesty's Service, or warrant, or petty officer of the Navy, or non-commissioned officer of marines, with or without seamen or persons under his command, to search any boat or vessel hovering about or approaching or which may have hovered about or approached any of Her Majesty's ships or vessels, and if any spirituous or fermented liquor be found on board such boat or vessel to seize such spirituous or fermented liquor, and the same shall be forfeited to Her Majesty; and if any person shall bring any spirituous or fermented liquor on board any of Her Majesty's ships or vessels without such previous consent as aforesaid, or shall approach or hover about any of Her Majesty's ships or vessels for the purpose of bringing any spirituous or fermented liquor on board the same, without such previous consent, or for the purpose of giving or selling, without such previous consent, spirituous or fermented liquor to men in Her Majesty's Service, or of aiding or assisting any officer, seaman, or marine in Her Majesty's Ser-

Forfeiture.

vice to desert or improperly absent himself from his ship or vessel, every such person shall, upon a summary conviction thereof before a Justice or Justices of the Peace, forfeit and pay any sum not exceeding ten pounds for every such act or offence; and it shall be lawful for any officer in Her Majesty's Service, or any such warrant or petty officer, or non-commissioned officer, as aforesaid, or for any constable or peace officer, with or without any warrant or other process, to apprehend or cause to be apprehended any such offender or person so acting, and to bring him or cause him to be brought before any Justice or Justices of the Peace, for the purpose of having the offender summarily convicted of the same.

Summary convictions—fine, &c.

Who may apprehend.

II. All penalties recovered under this Act shall be paid into the Public Treasury of these Islands in aid of the general Revenue of the Colony.

Penalties paid into Treasury.

MANUFACTURING OR ISSUING COUNTERFEIT POSTAGE STAMPS.

No. 9.

50 Vic. c. 14. *An Act making provision for the punishment of Persons manufacturing or issuing Counterfeit Postage Stamps.* (Assented to 6th May, 1887.)

I. A person shall not

- (a) make, knowingly utter, deal in or sell any fictitious stamp, or knowingly use for any postal purpose any fictitious stamp; or
- (b) have in his possession, unless he shows a lawful excuse, any fictitious stamp; or
- (c) make, or, unless he shows a lawful excuse, have in his possession, any die, plate, instrument, or materials for making any fictitious stamp.

Illegal to sell fictitious stamp or possess them or have a die for making them.

Any person who acts in contravention of this section shall be liable, on summary conviction on a prosecution by order of the Governor or Attorney-General, to a fine not exceeding twenty pounds, subject to the right of appeal according to the provisions of the Act of Assembly, 10 Vic. c. 11.

Prosecution.

Any stamp, die, plate, instrument or materials found in the possession of any person in contravention of this section may be seized and shall be forfeited.

Seizure.

For the purposes of this section, "fictitious stamp" means any *fac simile* or imitation or representation, whether on paper or otherwise, of any stamp for denoting any rate of postage, including any stamp for denoting a rate of postage of the United Kingdom, of this Colony, or any of Her Majesty's Colonies, or of any foreign country.

Meaning of "fictitious stamp."

II. All offences under this Act may be prosecuted and penalties hereunder recovered in the manner provided by "The Summary Jurisdiction Acts."

Summary jurisdiction.

III. All pecuniary penalties, forfeitures, and fines recovered under this Act shall be paid into the Public Treasury in aid of the General Revenue of the Colony.

Treasury.

RESTRICTIONS ON PURCHASE OF FIBROUS PLANTS AND FRUIT.

No. 10.

52 Vic. c. 22. *An Act to prohibit the purchase of Fibrous Plants, except under certain restrictions, and for other purposes.* (Assented to 23rd May, 1889.)

Dealers in sisal or other fibrous plants to keep a book.

I. Every person dealing in and buying any sisal plant, or other plant exclusively used in the production of fibre, shall conform to the following regulations (that is to say):

Penalty.

(1.) He shall keep a book or books, and shall enter therein an account of all such sisal or other fibre plants as he may from time to time become possessed of, stating the month and year when, and the person from whom he purchased the same, adding, in the case of every such last-mentioned person, a description of his business and place of abode; if he does not, he shall incur for the first offence a penalty not exceeding two pounds, and for every subsequent offence a penalty not exceeding five pounds.

Unlawful to purchase sisal plants from person under age of sixteen.

(2.) He shall not by himself or his agents purchase sisal or other fibre plants as aforesaid, from any person apparently under the age of sixteen years; if he does, he shall incur, for the first offence, a penalty not exceeding three pounds, and for every subsequent offence a penalty not exceeding five pounds.

Books open to inspection of inspector of police.

(3.) That such books shall at all times be open to the inspection of the inspector of police; if he refuse to show them on demand or request, he shall, for every offence, incur a penalty of a sum not exceeding five pounds.*

Dealer to register his name at Police Office.

(4.) Every dealer as aforesaid shall register his name at the Police Office of the Island or district in which he may reside, or be engaged in purchasing the aforesaid plants; if he does not he shall incur a penalty of a sum not exceeding three pounds.

Breaches, how dealt with.

II. All proceedings under this Act for a breach thereof shall be taken before a Justice of the Peace according to the provisions of "The Summary Jurisdiction Act."

Lawful for constable to stop any person conveying any sisal plants.

III. It shall be lawful for any constable to stop any person conveying any of the plants mentioned in the first section of this Act along any street, road, path, or highway, or any cart, waggon, or other vehicle laden, or partly laden with the same, and to inquire of such person or persons the plantation or allotment from which the plants have been obtained, and if not satisfied that they have been properly obtained, it shall be lawful for such constable to seize such plants, cart, waggon, or other vehicle, and to detain the person or persons in charge of the same until the question or ownership of the said plants shall be submitted to some Justice of the Peace; and every Justice of the Peace is hereby authorized and empowered summarily to inquire into and adjudicate thereon, and any person convicted of having unlawfully taken such plants shall be liable to be imprisoned for any period not exceeding thirty days.

Punishment.

Onus probandi.

IV. In all prosecutions, proceedings, or inquiries under the preceding section of this Act, the *onus probandi* shall be on the person or persons in whose possession any plant or plants shall have been found to show that he or they was or were legally possessed thereof.

V. and VI. Repealed by 53 Vic. c. 5.

* This sub-section amended by 53 Vic. c. 5.

No. 11.

53 Vic. c. 5. *An Act to amend the Act 52 Vic. c. 22, entitled "An Act to prohibit the Purchase of Fibrous Plants except under certain restrictions, and for other purposes."* (Assented to 3rd March, 1890.)

I. The Act 52 Vic. c. 22 may be cited for all purposes as "The Fibrous Plant Act, 1889." "The Fibrous Plant Act, 1889."

II. This Act may be cited for all purposes as "The Fibrous Plant Act, 1889, Amendment Act, 1890." Title of this Act.

III. The fifth and sixth sections of the Act 52 Vic. c. 22, shall be and the same are hereby repealed, and the remaining sections of the said Act shall hereafter apply to the whole Colony. Repeals.

IV. The third sub-section of the first section of the said Act shall henceforth be read, construed, and printed, as if the words "in New Providence, and of the Resident Justice or Assistant Resident Justice, as the case may be, in any other Island of the Colony or part of such Island," had been originally inserted therein, anything contained in the said original Act to the contrary notwithstanding. Amends sub-sec. 3 of sec. I. of 52 Vic. c. 22.

V. This Act shall not come into operation until thirty days after the publication of the same in the newspaper in which Government notices are published. When Act shall come into operation.

No. 12.

61 & 62 Vic. c. 29. *An Act to prohibit the Purchase of Fruit except under certain restrictions, and for other purposes.* (Assented to 10th August, 1898.)

1. This Act may be cited for all purposes as "The Fruit Dealers Act, 1898." Short title.

II. The word "fruit" used in this Act means pine-apples, oranges, grape fruit, and other citrus fruits. The word "fruit" defined.

III. Every person dealing in and buying fruit shall conform to the following regulations, that is to say : Dealer in fruit to keep a book.

(a.) He shall keep a book or books, and shall enter therein an account of all such fruit as he may from time to time become possessed of, stating the day, month, and year when he purchased the same, the quantity purchased, price paid, and the name and place of residence of the person from whom he purchased. For failure so to do he shall incur for the first offence a penalty not exceeding two pounds, and for every subsequent offence a penalty not exceeding five pounds, or in default of payment he shall be liable to imprisonment for any term not exceeding three months. Penalty.

(b.) He shall not by himself or his agents purchase any fruit from any person under the age of sixteen years, and in case of so doing he shall incur for the first offence a penalty not exceeding three pounds, and for every subsequent offence a penalty not exceeding five pounds, or in default of payment he shall be liable to imprisonment for any term not exceeding three months. Unlawful to purchase fruit from person under age of sixteen years.
Penalty.

(c.) That such books shall at all reasonable times be open to the inspection of the Commandant of Constabulary in New Providence, or a police constable acting under his order, in writing, and of the Resident or Assistant Resident Justice, or a police constable, as the case may be, on any other Island Books open to inspection.

Penalty.	of the Colony, or part of such Island, and if he refuses to show them on demand or request he shall for every offence incur a penalty not exceeding five pounds, or in default of payment to imprisonment for any period not exceeding three months.
Dealer to register his name at Police Office. Penalty.	(d.) He shall register his name at the Police Office in the island or district in which he may reside or be engaged in purchasing fruit. For failure so to do he shall incur a penalty not exceeding three pounds, or in default of payment to imprisonment for any term not exceeding three months: <i>Provided</i> always that this section shall not apply to any purchase or sale by any person for domestic use only.
Proviso.	
Mode of prosecution.	IV. All offences committed against the 3rd section of this Act shall be prosecuted summarily.
Constable may stop any person conveying fruit to inquire how the same was obtained.	V. It shall be lawful for every constable to stop any person or persons conveying any fruit along any street, road, path, or highway, or any cart, waggon, or other vehicle laden, or partly laden with fruit, and to inquire of such person or persons the orchard, plantation, or allotment from which such fruit has been obtained, and if not satisfied that it has been properly obtained, it shall be the duty of and lawful for such constable to seize and detain such fruit cart, waggon, or other vehicle, and to detain the person or persons in charge of the same until the question of the ownership of the said fruit shall be submitted to and decided by some Magistrate, and every Magistrate is hereby authorised and empowered summarily to inquire and adjudicate thereon, and any person convicted of having unlawfully become possessed of such fruit shall be liable to be dealt with in accordance with the fourth section of this Act.
Punishment.	
<i>Onus probandi.</i>	VI. In all proceedings under the fifth section of this Act the <i>onus probandi</i> shall be on the person or persons in whose possession the fruit shall have been found to show that he or they was or were legally possessed thereof.
Commencement and duration.	VII. This Act shall come into operation on the first day of September, in the year of our Lord one thousand eight hundred and ninety-eight, and shall continue in force for three years from that date and from thence to the end of the then next session of Assembly.

UNLAWFUL WEARING OF UNIFORMS.

No. 13.

58 Vic. c. 29. *An Act to regulate and restrict the wearing of Naval, Military, and other Uniforms.* (Assented to 7th June, 1895.)

Title.	I. This Act may be cited for all purposes as the "Uniform Act, 1895."
The unlawful wearing of the uniform of Her Majesty's Military Forces.	II. It shall not be lawful for any person not serving in Her Majesty's Military Forces to wear without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform. <i>Provided</i> that this enactment shall not prevent
Proviso.	(a.) A member of a band from wearing at or for the purposes of a public performance by the band at any time within six years after the passing of this Act any dress which, at the passing of this Act, is the recognised uniform of the band, unless the

dress is an exact imitation of the uniform of any of Her Majesty's Military Forces;

- (2) If any person contravenes this section he shall be liable on summary conviction to a fine not exceeding five pounds. Penalty.

III. If any person not serving in Her Majesty's Naval or Military Forces wears without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in such a manner or under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress, he shall be liable on summary conviction to a fine not exceeding ten pounds, or to imprisonment for a term not exceeding one month. Penalty for bringing contempt upon Her Majesty's Naval or Military uniforms.

IV. In this Act the expression "Her Majesty's Forces" means the regular forces, the reserve forces, and the auxiliary forces within the meaning of the Army Act, other than the naval coast volunteers and naval volunteers. The expression "Her Majesty's Forces" means the Navy, the naval coast volunteers, and naval volunteers. Expressions "Her Majesty's Forces" defined.

V. It shall not be lawful for any person not being a member of the Constabulary or Police Force of these Islands to wear the uniform of either of those forces or any dress having the appearance or bearing the distinctive marks of such uniform. *Provided* that this enactment shall not prevent a member of a band from wearing at or for the purpose of a public performance by the band at any time within six years after the passing of this Act any dress which at the passing of this Act, is the recognised uniform of the band, unless the dress is an exact imitation of the uniform of the Constabulary or Police Force of the Colony. If any person contravenes this section he shall be liable on summary conviction to a fine not exceeding five pounds. Uniforms of constabulary or police not to be worn by others than members of the Force. Proviso. Penalty.

VI. All penalties imposed by this Act shall be recovered in a summary manner before any one of Her Majesty's Justices of the Peace. Recovery of penalties.

STREET TRAFFIC, AND STREET NUISANCES.

No. 14.

60 Vic. c. 5. *An Act to regulate the Street Traffic in the City of Nassau and its Suburbs.* (Assented to 14th April, 1897.)

I. This Act may be cited for all purposes as "The Street Traffic Act, 1897." Title.

II. In this Act unless the context otherwise requires, the word "highway" includes any street, road, way, alley, footpath, sidewalk, square, open space, wharf, pier, jetty, building, or any other place to which the public have access. Words "highway" and "bicycle" defined.

The word "bicycle" includes tricycle and velocipede.

III. Any person having control of a bicycle in any highway in the city of Nassau or its suburbs who Penalty for riding a bicycle to the danger of the public, or neglecting to stop or give name when required.

- (a.) Rides in such a way as to be dangerous to the public;
- (b.) Neglects to stop on being called upon so to do by a member of the Police or Constabulary Force or by a Magistrate;
- (c.) Refuses to give his name and address, or gives a misleading name or address to a member of the Police or Constabulary Force, or to a Magistrate;

shall be guilty of an offence against this Act.

Protection of
persons acting
under this Act,

Regulations to
be made by the
Governor in
Council,

Regulations to
be published.

Penalty.

Continuance of
Act.

Repeals.

IV. No action shall be brought against any member of the Police or Constabulary Force or any Magistrate in respect of any matter arising out of a breach of the provisions of this Act. *Provided* that such member of such Force as aforesaid, or such Magistrate as aforesaid, has acted *bona fide* in the execution of his duty.

V It shall be lawful for the Governor in Council, from time to time, to make, rescind, alter, and add regulations in relation to the following matters, that is to say:—

- (a.) The regulating of the use of any highway in the City of Nassau and its suburbs in respect of the vehicular and other traffic.
- (b.) The regulating, controlling, and stopping the vehicular and other traffic in, over, and along such highway as aforesaid.
- (c.) The regulating and controlling the use of bicycles in, over, and along such highway as aforesaid.
- (d.) The regulating the proper observance of the rule of the road.
- (e.) The enforcing any regulation as aforesaid.

VI. All regulations made under this Act shall be published in the Official Gazette, and thereupon so long as they shall be in force shall be deemed to be a part of this Act.

VII. Any person guilty of an offence under this Act or of a breach of any regulation made thereunder, shall on summary conviction be liable to pay a fine not exceeding five pounds.

VIII. That this Act shall continue in force for two years from the passing hereof, and from thence to the end of the then next Session of Assembly.

IX. The Act of Assembly 51 Victoria, chapter 11, is hereby repealed.

No. 15.

62 Vic. c. 31. *An Act for the prohibition and restriction of Street Nuisances.* (Assented to 20th May, 1899.)

PREAMBLE.

WHEREAS at certain times the throwing of fireworks, crackers and other explosives in the public streets and thoroughfares in the Island of New Providence, causes danger and inconvenience to the public.

And whereas much annoyance is also caused to the inhabitants by the indiscriminate use of horns, trumpets, and various other instruments of sound. May it, &c.

Title.

I. This Act may be cited as "The Street Nuisance Prohibition Act, 1899."

Authority for
making regula-
tions for the pro-
hibition of street
nuisances.

II. It shall be lawful for the Governor in Council, from time to time, to make, rescind, and alter regulations for the prohibition or restriction in the public streets, thoroughfares, courts, and alleys, in the Island of New Providence.

- (a.) Of the firing or throwing of fireworks, crackers, and all other explosives whatsoever.
- (b.) Of the sounding or use of horns, trumpets, and all instruments of sound other than those used or employed by a duly organised instrumental band.

All regulations
to be published
in the Official
Gazette.

Penalty.

III. All regulations made under this Act shall be published in the Official Gazette of the Colony, and shall have the force and effect of law.

IV. Any person guilty of any violation or breach of any such regulation shall, on summary conviction, be liable to a penalty not exceeding £5.

CLASS IX.

REGULATION OF BILLIARD TABLES.

No. 1.

26 Vic. c. 1. *An Act to regulate the Licencing of Billiard Rooms, and for other purposes.* (Assented to 13th March, 1863.)

WHEREAS it is expedient that public billiard rooms should be licensed and otherwise placed under legislative regulations; May it, &c. PREAMBLE.

I. That from and after the commencement of this Act, it shall not be lawful for any person to keep a public billiard room without having first obtained a licence for the purpose, as hereinafter provided for, under a penalty of not exceeding five pounds for every day, or part of a day, that any such billiard room shall be kept open, or any billiard table therein used. Unlawful to keep public billiard rooms without licence.

II. That every licence under this Act shall be granted in the same manner as persons are now licensed to retail spirituous liquors, and shall be in force for one year and no longer, from the date thereof. How licence granted.

III. That every person obtaining a licence, as aforesaid, shall pay at the office of the Receiver-General and Treasurer, the sum of ten pounds, as a tax thereon, which sum shall be received and applied by the said Receiver-General and Treasurer in aid of the general revenue of the colony. Ten pounds for licence.

IV. That it shall not be lawful to keep under the same roof, or attached to any licensed billiard room, a bar, or other place for the supply of wine, or spirituous or malt liquors, to the persons frequenting such billiard room or otherwise to supply such persons with wine or spirituous, or malt liquors, unless the person holding the licence for such room shall also be licensed, in manner aforesaid, to supply wine or spirituous, or malt liquors, as aforesaid, nor without payment by such person, of the like amount of tax as is now by law imposed, on the retail of spirituous liquors under licence. Unlawful to retail wines or liquors in any place attached to billiard room without a licence for that purpose.

V. That no licensed billiard room shall be kept open, or any billiard table therein used on Sundays, or after the hour of eleven o'clock at night on any other day, under a penalty to be paid by the party in whose name the licence has been granted, for the first offence of not exceeding five pounds, and for the second offence, of forfeiture of the licence: Provided, that it shall be lawful for the Governor to remit any such forfeiture of licence upon such terms as he may deem proper. Billiard rooms not to be kept open after eleven o'clock at night.

VI. That all forfeitures and penalties shall be imposed and recovered in a summary way by and before any one of Her Majesty's Justices of the Peace for these islands, and the proceedings in all such cases, shall be subject to the same and the like incidents, as proceedings in other cases of summary adjudication; and all Justices of the Peace and constables, acting under the authority of this Act, shall be entitled to the same protection and privileges as justices of the peace and constables, acting in the general discharge of their respective duties, are now by law entitled to. Penalties recoverable before one Justice of the Peace.

VII. That this Act shall commence and take effect on the first day of June, A.D. one thousand eight hundred and sixty three. Act to take effect from 1st June, 1863."

CLASS X.

LANDING OF CATTLE AND USER OF SAME IN STREETS REGULATED.

No. 1.

55 Vic. c. 11. *An Act to regulate the manner of landing, taking, and conducting Cattle through the Streets of the City and Suburbs of Nassau.* (Assented to 8th April, 1892.)

I. From and after the passing of this Act it shall not be lawful for any person to do any or either of the following things:

Regulates the landing of cattle.

Hours during which cattle may be driven along public streets, &c.

Cattle to be secured by ropes and controlled by men.

- (a.) To land any cattle within the Island of New Providence except on an enclosed wharf.
- (b.) To take, drive, or conduct, or allow to be taken, driven, or conducted any cattle from any place in which they may be, in or along any public street, road, path or way in the City of Nassau or suburbs thereof; except between the hours of ten o'clock p.m. and half-past six o'clock a.m.
- (c.) To take, drive, or conduct, or allow to be taken, driven, or conducted any cattle in and along such streets, roads, paths, or ways, unless each of such cattle shall be well secured by ropes and controlled by not less than two men.

Penalty.

II. Every person violating any of the provisions of this Act shall be liable to a penalty not exceeding two pounds.

Penalties, how recoverable.

III. All penalties by this Act imposed shall be recovered in a summary way before any Justice of the Peace for the Colony, and shall be levied, together with costs, by distress and sale of the offender's goods and chattels, and if insufficient goods and chattels can be found wherein the same can be levied, then it shall and may be lawful for such Justice of the Peace to commit the offender or offenders to prison for any space not exceeding thirty days.

When cattle may be driven along streets.

IV. Notwithstanding the foregoing provisions, it shall be lawful for the officer in command of the Constabulary or Police, upon urgent necessity being shown to him for such purpose, to allow any cattle to be driven and conducted along the streets of the city and suburbs at any time other than that mentioned herein, but only under such restrictions and control as to the said officer may seem proper.

Act not to apply to milch cows and calves.

V. Nothing in this Act contained shall apply to milch cows and calves being driven to or from pasturing in charge of any person.

Regulates landing of cattle from Out-islands.

VI. Nothing contained in this Act shall be construed to prevent the landing of cattle from any vessel arriving from any of the Out-islands at an enclosed wharf or other place. Provided that the landing of such cattle and their removal from the place of landing to be taken along the streets of the City of Nassau and the suburbs thereof to any other place for any purpose whatever shall not be earlier than ten o'clock p.m. nor later than half-past six o'clock a.m. of any day, and each of such cattle shall be well and properly secured by ropes and controlled by at least two men.

Title.

VII. This Act may be cited for all purposes as "The Cattle Landing Act, 1892."

No. 2.

60 Vic. c. 35. *An Act to amend "The Cattle Landing Act, 1892."*
(Assented to 15th June, 1897.)

I. This Act may be cited for all purposes as "The Cattle Landing Amendment Act, 1897." Short title.

II. Where the words "principal Act" are used in this Act they shall be held to mean and refer to the Cattle Landing Act, 1892. Meaning of the words "principal Act."

III. Nothing contained in the principal Act shall be held to apply to cattle employed in drawing any cart, dray, or other vehicle used in the conveyance of any article over and along the streets and roads of the Island of New Providence, provided such cattle are being led or driven by an attendant. Amends principal Act.

PART VII.

- CLASS I.—Department of Receiver-General and Treasurer.
 CLASS II.—Export and Import Trade.
 CLASS III.—Auctioneers and Auction Taxes.
 CLASS IV.—Assessed and other Inland Taxes and Fiscal Regulations.
 CLASS V.—Fees in aid of Revenue.
 CLASS VI.—Pilotage, Boatmen, and Quarantine.
 CLASS VII.—Bahama Licensed Salving Vessels and Seamen.
 CLASS VIII.—Bahama Merchant Vessels and Seamen.
 CLASS IX.—Foreign and other Seamen not belonging to the Colony.
 CLASS X.—Interinsular Communication.
 CLASS XI.—Post Office Department.
 CLASS XII.—Mail, Telegraphic, and Hotel Services.
 CLASS XIII.—Hog Island Lighthouse, Powder Magazine, and Light
 Dues.
 CLASS XIV.—Laws for protection of Sponge Fisheries, and Sea
 Gardens.
 CLASS XV.—Local Option.
 CLASS XVI.—Laws regulating the Sale of Liquors.

CLASS I.

DEPARTMENT OF RECEIVER-GENERAL AND
TREASURER.

No. 1.

- 18 *Vic. c. 1. An Act to amend the Act of the 17th year of Her Majesty's reign for consolidating and amending the Laws regulating the Department of Receiver-General and Treasurer.*
 (9th March, 1855.)

Appointment to office of Receiver-General and Treasurer vested in Her Majesty and her successors. Provisional appointment to be made by the Governor on occurrence of any vacancy in such office.

THAT the right of appointing to the office of Receiver-General and Treasurer of the colony, as vacancies shall occur in such office, shall vest in her Majesty, her heirs and successors: Provided always, that on the occurrence of any vacancy in such office, it shall be lawful for the Governor to appoint, by commission under the Great Seal of the colony, a fit and proper person to act as Receiver-General and Treasurer, until such office shall have been filled up by appointment from the Crown, and the person appointed shall have assumed the duties of the said office.

No. 2.

36 Vic. c. 8. *An Act to consolidate and amend the Laws regulating the Department of the Receiver-General and Treasurer and the provisions of various Acts of Assembly relating to Trade.*
(Assented to 14th March, 1873.)

As to the Department of Receiver-General and Treasurer :

I. The department of Receiver-General and Treasurer shall consist :

- (1st.) Of the Receiver-General and Treasurer as the head thereof, who shall be stationed at Nassau, but shall have the general superintendence and control of the entire revenue department of the colony, and shall visit the other ports and creeks of the colony whenever it may be deemed necessary that he should do so by the Governor, acting with the advice of the Executive Council. Officers of Receiver-General's Department at Nassau,
- (2nd.) At the port of Nassau, of a collector or chief clerk ; of two other clerks, to be respectively designated second and third clerks ; of a warehouse-keeper, who shall be *ex-officio* examining officer ; of a port officer, who shall be *ex-officio* harbour-master and keeper of the powder magazine ; and of two tidewaiters or out-door officers. Nassau,
- (3rd.) At the Out-islands, of ten collectors of revenue, eleven preventive officers, and of two tidewaiters or out-door officers, such collectors to be stationed respectively at the port of Dunmore Town, Harbour Island ; the port of Mathew Town, Inagua ; the port of Green Turtle Cay, Abaco ; the port of Albert Town, Fortune Island ; the port of Governor's Island, Eleuthera ; the port of Clarence Town, Long Island ; the port of George Town, Exuma ; the port of Duncan's Town, Ragged Island ; the port of the Bight, San Salvador ; and the port of Nelson Town, Rum Cay ; such preventive officers to be stationed respectively at Cherokee Sound, Abaco ; Hope Town or Marsh Harbour, Abaco ; Fresh Creek or Calabash Bay, Andros Island ; Nicolls' Town or Red Bays, Andros Island ; the Biminis ; Grand Bahama ; Gregory Town or Hatchet Bay, Eleuthera ; Rock Sound or Tarpum Bay, Eleuthera ; the north end of Long Island ; Arthur's Town, San Salvador ; and Watling's Island ; all of which officers shall be appointed as is now authorised by law, and shall hold their respective appointments during pleasure, and shall receive such salaries and allowances as may from time to time be attached by law to their respective offices.* and at Out-islands.

Appointments, Salaries.

II. It shall be lawful for the Governor in Council to defray the travelling expenses of the Receiver-General and Treasurer whenever it may be deemed by the Governor in Council to be necessary for the public service that he should visit any of the out-ports or districts of the colony. Travelling expenses of Receiver-General,

III. The resident justices for the various Out-islands of the colony appointed, or to be hereafter appointed, under the authority of the Act of Assembly of the thirty-second year of Her Majesty's reign, chapter 13, or under any other Act relating to the office of resident justice, shall be *ex-officio* collectors of revenue for the Out-islands ; and the assistant resident justices for the Out-islands appointed, or to be appointed as Resident and assistant resident justices to be collectors of revenue and preventive officers for the Out-islands,

* Amended by 41 Vic. c. 8, 46 Vic. c. 12, and 51 Vic. c. 3, *post*, Nos. 3, 4, and 6 of this Class.

aforesaid, shall be *ex-officio* preventive officers for the Out-islands, and shall respectively discharge and execute the duties, and be invested with the powers and authorities by this or any other Act of Assembly imposed on or vested in collectors of revenue and preventive officers respectively, and shall discharge such *ex-officio* duties respectively for the salaries and emoluments which are now, or may hereafter be attached to the offices of resident justices and assistant resident justices respectively.

IV. Repealed by 38 Vic. c. 6.

Bond to be given
by Receiver-
General and
Treasurer.

V. It shall not be lawful for the Receiver-General and Treasurer to ask, demand, or receive any rate, duty, tax, or assessment whatsoever imposed, or to be imposed by any Act or Acts of the General Assembly, unless he shall have entered into bond, to be renewed as often as the Governor shall require, to Her Majesty, her heirs and successors, with two or more good and sufficient securities, to be approved of by Her Majesty's Principal Secretary of State for the Colonies, or by the Governor in Council, in the sum of three thousand pounds, or shall have entered into two several bonds to Her Majesty, her heirs and successors, with two or more good and sufficient sureties, to be approved of as aforesaid, to each of the two last-mentioned bonds, in the sum of one thousand five hundred pounds for each of such last-mentioned bonds; or shall have entered into four several bonds to Her Majesty, her heirs and successors, with two or more good and sufficient sureties, to be approved of as aforesaid, to each of the four last-mentioned bonds, in the sum of seven hundred and fifty pounds for each of the said four last-mentioned bonds, and the condition of the said several bonds shall be to the following effect, viz.: "The condition of the above obligation is such, that if the above bounden A. B., Receiver-General and Treasurer of the said Bahama Islands, shall well and truly account, as often as he shall be thereunto required by the Governor or Commander-in-Chief for the time being, or by the Legislative Council and House of Assembly, or any Committee of them, or either of them, as well during their recess as while in session, for all and every sum or sums of money which either have, or shall come into his hands, by virtue of any Act or Acts of the General Assembly of the said islands, and also pay all sums of money according to the intent and meaning, and to the uses mentioned and directed in such Act or Acts, and shall use all due diligence for the collection of the said revenue of the said islands, and all arrears of the same which may at any time remain uncollected, and for recovery of the same at law, whether the same be secured by bond, or otherwise due and owing, and shall in all respects, faithfully discharge all and singular the several duties of him required, or to be required by law, then this obligation to be void, or else to remain in full force and virtue"; which bond shall be taken by such person, and in such manner as may from time to time be authorized by Her Majesty's Principal Secretary of State for the Colonies or by the Governor; Provided, that such sureties as aforesaid may be dispensed with on deposit being made as hereinafter provided for.*

Condition of
bond.

Chief Clerk at
Nassau to give
bond.

VI. The collector or chief clerk in the department at Nassau shall give bond to Her Majesty, her heirs and successors, to be renewed when required, with two or more good and sufficient sureties, to be approved of by the Governor in Council, in the sum of one thousand pounds, conditioned for the faithful discharge of the trust reposed in him, and other the due execution of the duties of his office; or shall make the deposit hereinafter provided for.

Collectors to act
for such ports as
they may from

VII. Every resident justice shall act as collector of revenue for, and be stationed at such port or district as shall from time to time be assigned

* As to bonds required by this section and secs. 6 and 7, see 53 Vic. c. 15 and 59 Vic. c. 22.

to him for that purpose by the Governor; and whenever any port of entry, other than the port of Nassau, shall be declared a warehousing port, or whenever any goods liable to duty are wrecked or stranded within the district of any port of entry, other than a warehousing port, and such goods are landed at such port, the resident justice, acting as collector of revenue for such port, shall be and become *ex officio* warehouse-keeper thereat, and shall exercise and perform the duties of such office of warehouse-keeper without any additional remuneration therefor; and every such resident justice shall before entering on the execution of his office make the deposit hereinafter provided for, or enter into a bond or bonds, to be renewed as often as the Governor shall require, to Her Majesty, her heirs and successors, in such sum as the Governor in Council may from time to time deem sufficient for each district, with condition to the following effect, that is to say:—"The condition of the above obligation is such that if the above bounden A. B. shall well and truly, to the best of his skill and knowledge, execute the office of a collector of revenue for the Bahama Islands at such port or ports, place or places as he may from time to time be stationed or appointed to act at by the Governor, and shall, once at least in every three months, pay, or cause to be paid into the hands of the Receiver-General and Treasurer, all surplus public monies in his hands, then his obligation to be void, but otherwise to remain in full force and virtue." (The remainder of this section which provided for taking an oath is repealed by 38 Vic. c. 6).

time to time be appointed for, and to be *ex officio* warehouse-keepers.

Before entering on duties of office to give bond.

Condition of bond.

VIII. All bonds entered into under the authority of this Act by any Receiver-General and Treasurer or other officer of the revenue for the due discharge of the duties of his office, shall be recorded in the office of the Registrar of Records, *and shall be retained by the Colonial Secretary for the time being*, and shall and may be put in suit by order of the Governor in Council for any breach thereof respectively.*

How bonds to be recorded.

IX. Whenever any bond which has been executed by any Receiver-General and Treasurer or other officer of the revenue shall be put in suit under the authority of this Act, the jury shall, in the event of their finding a verdict for the Crown, at the same time assess damages for the particular neglect or default complained of in such action, which shall be recovered with full costs of suit, and the judgment shall remain in force as security for any other breaches of such bond, the damages for such other breaches to be from time to time assessed by a jury to be empaneled for the purpose, and for which damages, with costs, execution may from time to time be sued out under the judgment so originally obtained. Provided, however, that no party to any such bond shall be liable to pay more in the whole than the full sum for which he originally became bound.

Bonds may be put in suit and damages assessed.

X. Whenever any person who is named as a surety for any revenue officer, in any bond executed prior to the commencement of this Act, or whenever any person who may hereafter become a surety in any bond which may hereafter be entered into by any such officer under the provisions of this Act, shall be desirous of withdrawing from his liability as such surety, it shall be lawful for him to do so on giving thirty days' notice in writing to the Secretary of the colony of his intention to withdraw from his liability as a surety, from and after the expiration of which period the liability of the surety so giving notice shall cease, except so far as relates to breaches of the condition of the bond under which he was surety, taking place prior to the expiration of such notice: Provided, however, that the thirty days aforesaid shall be computed from and be exclusive of the day on which any such notice shall be received by the Secretary of the colony; and provided also that the discharge as aforesaid of any surety so giving notice shall not operate as a discharge

A revenue officer's surety may withdraw by giving notice.

* The words in italics are repealed by 59 Vic. c. 22.

Colonial Secretary to give notice to any officer whose surety has with-drawn.

Temporary absence of collectors provided for.

Officers of revenue shall correspond with and obey the orders of the head of their department.

Accounts to be made up quarterly and money sent to office of Receiver-General.

Penalty for neglect.

Office to be kept.

Boat.

Tidewaiters districts and duties.

of any other person bound jointly or severally in the same bond with him.

XI. Upon receipt by the Secretary of the colony of any notice under this Act, it shall be his duty to communicate the same without delay to the officer for whom the surety or sureties giving notice is or are bondsman, or bondsmen, requiring him to name a person or persons, as surety or sureties, in the place of the party or parties about to retire; and upon such officer naming a fit and proper person or persons, such person or persons may at once be accepted as surety or sureties, on his or their entering into the required bond, notwithstanding the thirty days named in such notice may not have expired, and such bond shall be recorded, retained and put in suit as provided for by the seventh section of this Act with reference to the bonds therein mentioned.

XII. Repealed by 49 Vic. c. 8.

XIII. Every resident justice shall have the power, with the sanction of the Governor, to appoint a deputy to act for him as collector of revenue during any temporary absence from his district, under leave, and every act performed by any such deputy shall in law be considered to be the act of the principal, and the sureties of the principal shall be liable for any violation or neglect of duty on the part of the deputy in the same and the like manner as they would have been liable if such violation or neglect of duty had been committed by the principal.

XIV. The resident and assistant justices shall, in all matters connected with their respective duties as collectors of revenue or preventive officers, or otherwise in relation to the revenue or fiscal laws of the colony correspond with and be subject to the orders and directions of the head of the department at Nassau, and the several subordinate officers at Nassau, and at the several Out-island revenue stations, shall in all things relating to the execution of their duties, be subject to the authority, direction, and control of the Receiver-General and Treasurer, or other chief officer or officers at Nassau or any the senior officer, as the case may be, of the district to which such subordinate officers are respectively attached, and shall respectively obey such orders and instructions as shall from time to time be given to them, or any of them.

XV. The several resident justices shall make up their accounts as collectors of revenue quarterly, and shall declare to the correctness of their respective accounts current before a justice of the peace, and shall thereupon forthwith transmit one copy of such attested account current to the office of the Colonial Secretary, and another copy, with schedules and vouchers, to the office of the Receiver-General, together with the full amount of public monies collected by them respectively, under or by virtue of any Act or Acts of the General Assembly of these islands, as also the amount of all Queen's fines or other public monies received by them; and every resident justice, as aforesaid, who shall refuse or neglect to make up and transmit such accounts, or who shall neglect or refuse to transmit the monies aforesaid, shall, for every such refusal or neglect, forfeit and pay the sum of fifty pounds. And every assistant resident justice shall in like manner transmit his account of receipts of public money with the monies received by him under a penalty of ten pounds for refusal or neglect, as aforesaid.

XVI. Every resident justice acting as collector of revenue shall keep an office in an eligible situation for the discharge of his duties as collector, at which he shall attend as hereinafter provided for.

XVII. It shall be the duty of the port officer at Nassau and of the resident justices at the respective out-ports of the colony, to whom special allowances are granted for such purpose, severally to provide and at all times keep a good and sufficient boat for the service of the revenue.

XVIII. The several tidewaiters or out-door officers shall act for such port or district as shall from time to time be assigned to them for that

purpose by the Receiver-General and Treasurer, with the sanction of the Governor, and shall perform such duties as may, from time to time, be required of them by the Receiver-General and Treasurer, or by the collector of revenue, at the particular port at which any such tidewater or out-door officer may be stationed.

XIX. The several tidewaterers or out-door officers shall be, and they are hereby respectively invested with all and singular the powers and authorities of constables, and shall be entitled to the same protection. Tidewaterers' authority.

XX. It shall be lawful for the Receiver-General and Treasurer, from time to time, as occasion shall arise, for temporary aid in the Revenue Department, to appoint a person or persons to act as out-door officer or officers, whose duty it shall be to perform any and every out-door service connected with the Revenue Department, as they may be called upon to perform; and every person so appointed shall be entitled to receive, during the period he shall act as such out-door officer, wages at and after a rate not exceeding six shillings per day; and it shall also be lawful for any collector of revenue, in cases of actual emergency, to appoint a person or persons to act as out-door officer or officers, within the district of such collector of revenue, such appointment to continue in force only during the existence of such case of emergency; and every person appointed to act as an out-door officer, as aforesaid, shall have, possess, and exercise all the powers and authorities of an out-door officer, and shall be entitled to receive, during the period he shall so act, wages at and after the rate of three shillings per day. Out-door officers, how appointed, and their remuneration.

XXI. No officer of the Revenue Department of the colony shall be liable to serve as a district constable, or to serve on any jury or inquest, or in the militia of the colony. Officers exempted from serving as constables, &c.

XXII. All commissions and appointments granted to any officers of the Revenue Department of the colony in force at the time of the commencement of this Act, shall continue in force, and all bonds which have been given by any such officers, and their respective sureties, for good conduct or otherwise, shall remain in full force and effect, the passing of this Act and the repeal of any other Act or Acts to the contrary notwithstanding. Existing appointments to continue.

XXIII. If any officer or other person acting in any office or employment, or belonging to the Revenue Department of the colony, shall take or receive any fee, perquisite, gratuity, or reward, whether pecuniary or of any other sort or description whatever, directly or indirectly, from any person not being a superior officer, on account of anything done or to be done by him, in or in any way relating to his said office or employment, except such as he shall receive under any order or permission of the Governor in Council, every such officer so offending shall, on proof thereof to the Governor in Council, be dismissed from his office, and if any person (not being a person duly appointed to some office in the Revenue Department of the colony), shall give, offer, or promise to give any such fee, perquisite, gratuity or reward, such person shall for every such offence forfeit the sum of one hundred pounds. No gratuity to be received without permission.

XXIV. Every person who shall be appointed to any office or employment in the revenue service of the colony, shall, at their respective admissions thereto, in addition to any oath which may be required by law to be by them respectively taken, make the following declaration before the Secretary of the colony, or before some person appointed by *dedimus* for that purpose:—"I, A.B., do declare that I will be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge and inspection, in the revenue service of the Bahama Islands, and that I will not require, take, or receive any fee, perquisite, gratuity, or reward, whether pecuniary or of any sort or description whatever, either directly or indirectly, for any service, act, duty, matter, or thing done or performed, or to be done or performed, Declaration of officers on appointment.

Persons temporarily employed to be deemed officers of the revenue.

in the execution or discharge of any of the duties of my office or employment, on any account whatever other than my salary, and what is, or shall be allowed me by law."

XXV. Every person employed on any duty or service relating to the revenue by the orders or with the concurrence of the Governor (whether previously or subsequently expressed), shall be deemed to be the officer of the revenue for that duty or service; and every act, matter, or thing required by any law at any time in force to be done or performed by, to, or with any particular officer nominated in such law for such purpose, upon being done or performed by, to, or with any person appointed to act for or in behalf of such particular officer, shall be deemed to be done or performed by, to, or with such particular officer, and every act, matter, or thing required by any law at any time in force to be done, or performed at any particular place within any port, upon being done or performed at any place within such port, appointed for such purpose, shall be deemed to be done or performed at the particular place so required by law.

Governor's power to make orders for or to disallow orders of Receiver-General or any collector.

XXVI. The Governor in Council shall have full power and authority from time to time to make and issue orders for the guidance and government of the Receiver-General and Treasurer, and the other officers of the Revenue Department of the colony, and to annul and disallow any order issued by the Receiver-General and Treasurer, or other chief officer or officers at Nassau, or by any collector of revenue, or other officer aforesaid.

Books of account and duties Governor may regulate and define.

XXVII. The Governor, with the advice of the Executive Council, may, by Order in Council, from time to time, regulate the method and form in which the books and accounts of the department of the Receiver-General and Treasurer shall be kept, and define the duties of the respective offices of such department.

Extra time of officers, how paid—

XXVIII. If the consignee of any vessel discharging or lading cargo, or the importer or exporter of any goods at any port within the colony, should require the services of any of the undermentioned officers of the Revenue Department at an earlier or later hour than is hereinafter specified, it shall be the duty of any such officer or officers, on receiving orders to that effect from the chief or other proper officer of the revenue, to render the services required, and such officer or officers shall respectively be entitled to receive per extra hour, or part of an hour, in which they may be so employed, the following fees, to be paid by the person at whose requisition they have been employed, that is to say:

At Nassau, and

AT NASSAU :

To the collector or chief clerk	.. ..	3s. 0d.
To the second clerk	.. ..	2s. 0d.
To the third clerk	.. ..	1s. 6d.
To the warehouse-keeper and examining officer	.. ..	2s. 0d.
To the tidewaiter or out-door officer, taking an account of the landing or shipment of goods	.. ..	0s. 6d.

at the Out-islands.

AT THE OUT-ISLANDS :

To the resident justices, acting as collectors of revenue and <i>ex-officio</i> warehouse-keepers and examining officers	.. ..	2s. 0d.
To the tidewaiters or out-door officers taking an account of the landing or shipment of goods	.. ..	0s. 6d.

Office hours of Revenue Department.

XXIX. The Receiver-General and Treasurer and the officers of his department at Nassau shall attend at the office of the Receiver-General

and Treasurer in the City of Nassau on the days and during the hours which are or may hereafter be prescribed by law for the attendance of public officers at the respective offices, and the several officers of the revenue for the out-districts of the colony shall give the like attendance at their respective offices: Provided, however, that it shall be the duty of such officers of the revenue as may have to be present at or to superintend or be in any way engaged in connection with the discharge or lading of cargoes, or who may be employed in the performance of any other out-door duty, to attend for such purpose, from the hour of eight o'clock in the morning to that of five o'clock in the afternoon of every weekday, public holidays excepted; And provided also, that nothing herein contained shall extend or be construed to extend to prevent the performance or excuse the non-performance of any duty which may devolve on any revenue officer, or which any such officer may be called on or required by the head of his department to perform after or before the hours aforesaid, or on the days so declared to be public holidays as aforesaid.

Proviso.

Proviso.

As to the Appointment of Ports, &c.:

XXX. It shall be lawful for the Governor in Council, from time to time, by Order in Council, to appoint ports of entry in the colony, and declare the limits and districts thereof, and also to appoint the several districts or places at which assistant resident justices are stationed, or any of them to be creeks, and to define the limits of such creeks, and to attach the same to such port or ports of entry as may be deemed proper, and also to appoint proper places within such ports or creeks, to be legal quays for the lading and unlading of goods, and to declare the bounds and extent of such quays, as also to annul the limits and districts of any port, creek, or the bounds and extents of any legal quay, or alter or vary the names, bounds, limits, and districts thereof; and all ports and creeks and the respective limits and districts thereof, and all legal quays appointed, set out and existing as such at the time of the passing of this Act, shall continue to be such ports, creeks, and quays until annulled, varied, or altered, and any port, creek, or quay, or the limits, districts, and bounds thereof, now annulled or altered, shall continue so annulled or altered, until otherwise varied or altered as aforesaid.

Governor's power to appoint and define limits of ports of entry, &c., &c.

XXXI. The Governor in Council may, from time to time, by order or minute of Council, appoint stations or places for ships arriving at, or departing from any port or place, to bring to for the boarding of officers of the customs, and may also appoint places to be sufferance wharves for the lading and unlading of goods by sufferance, in such cases, under such restrictions, and in such manner as they shall see fit, and may also direct at what particular port or ports of any harbour, dock, quay, or other place in any port, ships laden with any particular cargo shall moor and discharge such cargo; and the chief or other proper officer of the revenue at any port, may station officers on board of any ship while within the limits of any port or creek in the colony.

Power to appoint stations for officers to board vessels and "sufferance wharves."

XXXII. It shall be lawful for the Governor in Council, and he is hereby empowered, from time to time, as may appear to him necessary, by order or minute of Council, of which public notification is to be given, to constitute and appoint any particular port of entry in the colony to be a warehousing port, and such port shall thereafter have and possess all the rights and privileges attaching by law to a warehousing port, and shall continue to have and possess the same until such order, as aforesaid, be annulled, by an Order in Council, made for the purpose, and publicly notified, as aforesaid: Provided that all existing appointments of warehousing ports shall continue in force until annulled.

Power to appoint warehousing ports.

Proviso.

Power in writing
to appoint ware-
houses and to
make regulations
for them.

XXXIII. It shall be lawful for the Receiver-General and Treasurer, by and with the approval and consent of the Governor in Council, by notice in writing under his hand, to appoint, from time to time, suitable warehouses for the warehousing and securing of goods at any warehousing port within the colony, and also with the like approval to revoke and alter any such appointment; and all goods to be stored in such warehouses shall be stored in such manner as the said Receiver-General and Treasurer, or other chief officer of the revenue, shall direct; and the warehouses shall be locked and secured in such manner, and shall be opened and visited at such times only, and in the presence of such officers and under such rules and regulations as the said Receiver-General and Treasurer shall direct, and all such goods, after being landed on importation, shall be carried to the warehouse, or shall, after being taken out of the warehouse for exportation, be carried to be shipped under such rules and regulations as the Receiver-General and Treasurer shall direct.

Bond to be given
by the occupiers
of warehouses.

XXXIV. The proprietor or occupier of every warehouse, or some one on his behalf, shall give or procure to be given, security by bond, with two sufficient sureties, or by two bonds, each with one sufficient surety, or such other security as the Receiver-General and Treasurer may approve, for the payment of the full duties of importation on or for the due exportation of all such goods as shall at any time be warehoused therein; and no goods shall be warehoused in any such warehouse after the passing of this Act, until such security shall have been given.

Existing interests
respected.

XXXV. All existing appointments and approvals of warehouses, for the warehousing of goods in respect of which security shall have been given by the proprietor or occupier thereof as aforesaid shall continue in force as if the same had been made under the authority of this Act, unless and until the same shall be revoked, as hereinafter provided; and no bond shall, after the passing of this Act, be required to be given by the importer of any goods on the warehousing thereof, but all existing bonds given in respect of any goods warehoused or entered to be warehoused in any warehouse prior to the passing of this Act, shall continue in force as if given under this Act.

Power to revoke.

XXXVI. The Governor may, from time to time, by Order in Council, revoke any former order, or make any alteration in or addition to any former order made as aforesaid.

Wrecked goods
may be stored
in temporary
bonded ware-
houses.

XXXVII. Whenever any goods liable to duty are wrecked or stranded within the district of any port of entry other than a warehousing port, it shall be lawful for the chief officer of the revenue at such port to permit the goods so wrecked or stranded to be landed and stored in any suitable building to be by him approved; and all buildings so approved and used as temporary bonded warehouses, and all goods stored and secured therein, shall be subject to such rules and regulations as may from time to time be made by the Receiver-General and Treasurer; and the provisions of this Act, requiring security for the payment of the full duties of importation, or for the due exportation of goods warehoused in a warehousing port, shall equally apply to the said wrecked or stranded goods; and such goods shall be further subject to all the regulations prescribed by this Act for the landing, warehousing, and shipment of goods liable to duty; and also to all charges of revenue to which warehoused goods are now or may hereafter become liable under the authority of any Act or Acts of Assembly, unless specially exempted therefrom.

As to the Collection and Management of Duties of Customs, Drawbacks, and Allowances:

Governor and
Executive
Council to have

XXXVIII. It shall be lawful for the Governor or officer administering the Government of these islands for the time being, and the members

of Her Majesty's Executive Council for the time being, from and after the passing of this Act, to assume, and they are hereby invested with full power and authority, for the direction and management of the collection of the whole public revenue of the colony, imposed and levied in and by virtue of any Act or Acts of the General Assembly, now or which shall hereafter be passed, and to make and issue from time to time, all such orders, instructions, and regulations explanatory and declaratory of the law on points of doubtful construction, for the government and guidance of the officers employed in the collection of the revenue, as shall be deemed needful by the Governor and Council, for assimilating the business of the Colonial Revenue Department, to the regulations and practice of Her Majesty's Customs, and for affording protection to the revenue, and facility to the lawful operations of merchants, shipmasters, and others, and further with power to mitigate or remit penalties, to release from confinement any person or persons committed under any Act of Assembly relating to the revenue, to order the restoration of any vessel, boat, or goods under seizure, or detention, to the proprietor or proprietors thereof, and generally to have, use, exercise, and enjoy all such powers, in reference to the collection and management of the colonial revenue, as are vested in, and may be exercised by the Commissioners of Her Majesty's Treasury and Customs in England, in respect to the collection and management of the Customs, anything in this or any other Act of the General Assembly of these islands to the contrary notwithstanding.

full power for directing the collection of the revenue and for assimilating the business to the practice of Her Majesty's Customs in England.

XXXIX. It shall be lawful for the Governor, acting by and with the advice of the Executive Council, whenever necessary, to make and issue all needful rules and regulations for the protection of the revenue, and the better carrying into effect the provisions of this Act, and to annex a penalty not exceeding in amount the sum of two pounds for the breach of any such rule or regulation; and such rules and regulations, when so made and issued, shall have the effect of law and be enforced in the like manner, and to the like extent as if they had been embodied in and formed part of this Act.

Rules may be made by Governor in Council for the protection of the revenue.

XL. All duties of import shall be paid, and received according to the imperial weights and measures, and in all cases where such duties are imposed, according to any specified quantity, or any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value.

Imperial weights and measures.

XLI. In all cases where any new duties of Customs, or other duties under the management, collection, or control of the Governor in Council, are or may be imposed by any Act or Acts, in lieu of any former duties payable at the time of the passing of such Act or Acts, such former duties shall be and continue payable until such new duties imposed in lieu thereof shall become chargeable, save and except in cases where the Act or Acts imposing such new duties shall otherwise provide; and all monies arising from any duties of Customs, or any arrears thereof, on account of any goods whatever imported into or exported from the Bahama Islands under any former Act, although computed under such former Act, and whether secured by bond or otherwise, shall be levied and appropriated in the same manner as if the same had been made payable by any other Act in force for the time being; and all drawbacks or allowances payable under any former Act shall be paid and allowed under such other Act as may be in force for the time being.

New duties in lieu of former ones not to take effect except in certain cases.

XLII. All goods whatsoever which now are or may hereafter be deposited in any warehouse or place of security under any Act of Assembly passed or to be passed for the warehousing of goods without payment of duty upon the first importation thereof, or which may be imported and be on board of any ship, shall, upon being entered for home consumption, be subject to such and the like duties as may at the time of passing

Existing duties to be paid on all goods now in warehouses, except where special provisions may be made.

such entry be due and payable on the like sort of goods under any Act or Acts passed for imposing any duty or duties of Customs which shall or may be in force at the time of passing such entry, save and except in cases where special provisions shall be made in any such Act or Acts to the contrary.

Written authority required before one person may do business for another.

XLIII. Whenever any person shall make application to any officer of the revenue to transact any business on behalf of any other person, such officer may require of the person so applying, to produce a written authority from the person on whose behalf such application shall be made, and in default of the production of such authority, refuse to transact such business.

As to the Receipts and Payments of Monies arising from the Revenue of the Colony, and the keeping of account thereof:

XLIV. Repealed by 49 Vic. c. 8.

Warrant of Governor authority for Receiver-General to pay money.

XLV. Every sum of money which shall be due in the port of Nassau, upon any warrant of the Governor in Council issued under the authority of any Act or Acts of Assembly, or for any drawback, shall be paid by the Receiver-General and Treasurer out of any money so paid into the Public Bank on account of the Receiver-General and Treasurer, and every such payment shall be allowed by the Auditor of Public Accounts in the settling or auditing the accounts of the Receiver-General and Treasurer; and when any such payment legally authorised as aforesaid, shall become due at any out-port of the colony, the same may be paid by the collector of revenue at any such out-port out of any of the monies in his hands arising from the revenue, under the directions of the Receiver-General and Treasurer; and as it is expedient to regulate the period within which over-payments of duty may be returned, the Receiver-General and Treasurer is hereby authorised, at any time within three years after the over-payment of any duties, on its being proved to his satisfaction that the same were overpaid in error, to return such duties; but no such return shall be made, or any claim allowed, unless made and established within such period of three years.

Over-paid duty may be returned within three years.

Penalty for collecting revenue before giving security.

XLVI. Any Receiver-General and Treasurer, or resident justice acting as collector of revenue, who shall ask, demand, or receive any rate or duty imposed by any Act or Acts of the General Assembly of these islands, without having given security, as required by law, for the due execution of his office, shall forfeit and pay the sum of one hundred pounds for every offence.

Negligence in receiving or paying money punishable.

XLVII. Any Receiver-General and Treasurer, or resident justice acting as collector of revenue, who shall neglect to collect any duties or taxes imposed by any Act now, or that shall hereafter be in force, or any Receiver-General and Treasurer who shall, without reasonable cause, neglect or refuse to pay any warrant which may be directed to him by the Governor in Council, for any sum already appropriated, or which may hereafter be appropriated by Act of Assembly, or any Receiver-General and Treasurer, or resident justice acting as collector of revenue, who shall pay any monies out of the Public Treasury, except in such manner as may be directed by any Act of the General Assembly, or shall in any manner lessen the public revenue, shall forfeit and pay the amount so lost, misapplied, or improperly paid, or the amount of the warrants so improperly refused as aforesaid.

Wilful default or negligence in the collection of duties or taxes, or in not recovering monies due to the public, entail liability on Receiver General.

XLVIII. If by reason of the wilful default or negligence of the Receiver-General and Treasurer, or of any other officer whose duty it may be to collect the same, any rate, assessment, duty, or tax, shall not be collected as fully and effectually as the same might have been collected by due diligence on the part of the Receiver-General and Treasurer, or other officer as aforesaid, or if any monies due to the public on bond or

otherwise recoverable at law by the Receiver-General and Treasurer, or other officer as aforesaid, shall not be collected or sued for to judgment and execution at law without unnecessary delay, agreeably to the provisions of this Act, the said Receiver-General and Treasurer, or other officer as aforesaid, and their sureties, and each of them, and their heirs, executors, and administrators, shall be jointly and severally liable to make good all such deficiencies in the public revenue as shall be so occasioned as aforesaid by the wilful default or negligence, as aforesaid, of the Receiver-General and Treasurer, or other officer, as aforesaid, over and above and besides all and singular the several penalties annexed to such neglect of duty by the provisions of this Act, and the said deficiencies shall be recoverable with costs of suit in law and equity from the parties liable for the same, as aforesaid, at the suit of Her Majesty, her heirs and successors, in any Court of these islands having competent jurisdiction in the premises, anything in this Act or any other Act of the General Assembly contained to the contrary notwithstanding.

XLIX. Repealed by 49 Vic. c. 8.

L. Whenever any resident justice shall die, and there shall be no person at the time of his death in the actual discharge of the duties of collector of revenue at the port at which such deceased resident justice had been assigned to act, it shall be lawful for the local justices, and they are hereby required immediately upon the death of such resident justice becoming known to them, to assemble together, and to select from among their number a justice to act as *ex officio* collector of revenue; or if there should be only one justice at the time resident in such district, it shall be the duty of such last-mentioned justice to assume the duties; and the justice so selected, as aforesaid or the justice assuming the duties of the said office, as last aforesaid, as the case may be, shall immediately possess himself of all public monies in the possession of the deceased resident justice, at the time of his death, or in the possession of any other person whomsoever, as also of all books, papers, and other property and effects belonging to, or appertaining to the office of collector of revenue at such port, and shall continue to hold such office, and to discharge the duties thereof until the appointment and admission to office of the successor of such deceased resident justice, or until the Governor shall otherwise provide for the discharge of the duties of the vacant office.

Provision for
duties of collector
on death of
resident justice.

As to Disputes and Controversies between the Importers of Goods and the Officers of the Revenue as to the Duty due on such Goods :

LI. If any dispute shall arise as to the proper rate of duty payable in respect of any goods imported into this colony, the importer or consignee, or his agent, shall deposit in the hands of the Receiver-General and Treasurer, or other chief officer of the revenue, at the port of importation, the amount of duty demanded by such officer, and such deposit shall be deemed and taken to be the proper duty payable in respect of such goods, unless an action or suit shall be brought, or commenced by the importer of such goods, within three months from the time of making such deposit, in one of the courts of law in Nassau, having jurisdiction to the amount involved in such dispute, against such Receiver-General and Treasurer, or other chief officer of the revenue, for the purpose of ascertaining whether any and what amount of duty is due and payable on such goods, and upon payment of such deposit, and passing a proper entry for such goods by the importer, consignee, or agent, such Receiver-General and Treasurer, or other chief officer of the revenue, shall thereupon cause the said goods to be delivered in virtue of such entry.

How disputes as
to rate of duty
are to be settled.

LII. Where such deposit shall have been made, as aforesaid, the same shall be entered to the credit of the revenue in the same manner as

Deposits to be
entered to the
credit of the

revenue, and any excess of duty may be recovered with interest.

if no dispute had arisen, and it had been paid and received, as the duty due and payable on such goods. And in case such action shall be brought, and it shall thereupon be determined by due course of law, that the duty so demanded and deposited was not the proper duty due and payable on such goods, but that a less duty was payable thereon, then the difference between the sum so deposited, and the duty so found to be due, or the whole sum so deposited, as the case may require, shall forthwith be returned to such importer, with interest thereon after the rate of five pounds per centum per annum, for the period during which the sum so paid or returned shall have been deposited; and such payment shall be accepted in satisfaction of all claims in respect of the importation of such goods, and the duty payable thereon, and of all or any damages and expenses incident thereto (except costs of suit, as next hereinafter provided), that is to say : Provided always, that the party to such action or suit, in whose favour a verdict shall be given, shall be entitled to his costs of suit, as between party and party, against the other party to such action or suit, such costs to be taxed by the proper officer of the Court in which such action shall be brought in the usual way, and if such verdict shall be given against the plaintiff in such action or suit, the costs so taxed as aforesaid shall be recoverable and recovered against the plaintiff, in the same manner as damages and costs in an ordinary action or suit in such Court, are recoverable by law ; but if such verdict shall be given against the Receiver-General and Treasurer, or other chief officer of the revenue, as defendant in such suit, the costs so taxed as aforesaid shall be paid by warrant of the Governor out of any monies in the Treasury of the colony.

Proviso.

As to the Complaints and Disputes between Merchants and others and the Officers of the Revenue, the Public Investigation thereof, and Inquiries touching Matters relating to the Revenue and the Conduct of Officers or others concerned therein :

Disputes between importers and others and revenue officers, how to be settled.

LIII. If in the port of Nassau any dispute shall arise between masters or owners of vessels, merchants, importers or consignees, shippers or exporters of goods, or their agents, and any officer of the revenue, with reference to the seizure or detention of any vessel or goods, or to any apparent accidental omission, inadvertence, or noncompliance with the laws or regulations relating to the collection of the revenue, it shall be lawful for the Governor in Council to dispose of or determine such dispute in such manner as he, by and with the advice of the Council, may deem just.

Penalties may be remitted or mitigated.

LIV. If, upon consideration of the facts and circumstances out of which such dispute shall have arisen, the Governor in Council shall be of opinion that any penalty or forfeiture has been incurred by any such master, owner, merchant, importer, consignee, shipper, exporter, or agent, he may, in case he and his Council shall be of opinion that the penalty ought to be remitted, remit and forego the same accordingly ; or in case they shall be of opinion that a mitigated penalty shall be imposed and enforced, mitigate any such penalty or forfeiture to such amount as they may deem a sufficient satisfaction for the breach of the law or regulation complained of.

Complaints of importers and others may be inquired into.

LV. In case any such master, owner, merchant, importer, shipper, exporter or agent shall feel himself aggrieved by the determination of the Governor in Council in any of the cases aforesaid, or have any ground of complaint against any officer of the revenue, in respect of anything done, or omitted to be done, by such officer, in or about the execution of his duty, the party so feeling himself aggrieved shall, upon an application in writing to the Governor, which application shall state the substance of his complaint, or the reasons of his dissatisfaction, with

such determination, be entitled to have the facts and circumstances of such complaint or determination inquired into in the manner following.

LVI. Upon the receipt of such application as aforesaid, the Governor shall appoint one or more of the members of the Executive Council to inquire into the subject matter of such application, for which purpose a suitable apartment shall be provided, to which parties complaining, and the parties complained against, and their agents, and witnesses, and all other persons interested, or desirous of attending, shall have free access, and the person or persons so appointed shall receive the statement of the complainant or his agent, or attorney, and hear any reasons which he, or they, may advance in support of his complaint, and shall take, or cause to be taken, any evidence or oath which the said complainant may offer and adduce in support of his complaint, and write down, or cause to be written down, and report the substance of such evidence in a narrative form, and his or their opinion thereon, and on the arguments, if any, adduced on the hearing of the case, for the information of the Governor in Council, and in like manner shall take and write down, or cause to be taken down and written, and report, for the information of the Governor in Council, any evidence which may be offered in support of such determination of the Governor in Council; or in case of a complaint against an officer, such exculpatory evidence as the officer complained against may offer or adduce, and the course of proceeding with respect to the taking of such evidence, and the conduct of such inquiry shall be in as close conformity, as the nature of such inquiry will admit, with the practice adopted before justices, on inquiries had before such justices.

How the investigation of complaints is to be conducted.

LVII. The Governor in Council, upon the evidence so reported to them, shall either direct a prosecution, if they deem it a proper case for prosecution, or decide the case upon such evidence, and make their order thereon accordingly, which order shall be communicated by the person or one of the persons, by or before whom the inquiry was conducted, in open court, either on the same day, or on a future day, to be appointed at the hearing for that purpose, and every order of the Governor in Council, made upon consideration of the facts, circumstances, and evidence so reported by the person or persons by whom such inquiry shall have been holden, shall, in case any penalty or mitigated penalty, or forfeiture, be adjudged by such order to be paid or enforced, be of equal force, validity and effect, as any conviction for penalties which any justice or justices is or are now empowered by law to make. And upon the production of any such order, under the hand of the Governor, to any justice or justices of the peace, it shall be lawful for such justice or justices to enforce such order in the same manner, and by the like authority as such justice or justices is or are empowered by law, to enforce any decision made by him or them, in any case tried or heard before such justice or justices in that capacity, unless the party against whom such order shall have been made, shall, within one week after the same shall have been communicated, as aforesaid, give notice in writing to the Colonial Secretary, that he refuses to abide by such order, in which case the Governor in Council may direct such proceedings thereon as he may see fit, or the party against whom such order shall have been made shall have the same remedy by action in any Court having jurisdiction as if no such hearing or order had been made.

A prosecution may be directed upon evidence, or Governor in Council may decide upon facts.

LVIII. The member or members of the Executive Council appointed to inquire, as aforesaid, shall have and exercise while engaged in the conduct of such inquiry, and to as full an extent as the same is exercised by any justice, or justices, in sessions, all necessary powers and authority to enforce order and propriety of conduct.

Enforcement of orders.

Power of persons appointed to inquire.

LIX. If at any of the out-ports of the colony any dispute shall arise between any master or owner of ships, or vessels, merchants, importers,

Provision for the settlement of disputes at out-ports.

consignees, shippers, or exporters of goods, or their agent or agents, and any officer of the revenue with reference to the class of cases hereinbefore enumerated, as arising or occurring in the port of Nassau, the like inquiry shall be holden, the like course of proceeding adopted, the like mode of taking evidence pursued, the like accommodation for the parties concerned provided, the like authority for maintaining order given, and as nearly as may be the like matters in every respect done, as hereinbefore provided for inquiry into, and conduct of similar proceedings in the port of Nassau, save and except that the duty hereinbefore prescribed to be performed by one or more of the members of the Executive Council appointed for that purpose, shall be performed at such out-ports by any justice of the peace, or other person whom the Governor in Council may appoint for that purpose.

Persons appointed to investigate complaints may administer oaths.

LX. In any of the foregoing cases, or whenever it shall be necessary to institute any inquiry to ascertain the truth of facts with respect to any complaint or matter relating to any business under the management or control of the Revenue Department, or incident thereto, or the conduct of officers or persons employed therein, such inquiries shall and may be made or conducted by the members of the Executive Council of these islands, for the time being (save and except any member or members of the said Council, who may be in any way interested in the matter to be inquired into, or who, by virtue of his office, may have been a party to, or otherwise connected with any previous investigation or proceedings in the same case), or any one or more of them, to be named and appointed by the Governor, or by any justice of the peace, or by such other person or persons as the Governor in Council shall direct and appoint for that purpose; and when upon any such inquiry proof on oath shall be required by the person conducting the same, such person shall and may administer such oath to any person attending before him, as aforesaid, and if any person so examined as a witness before such person, shall be convicted of giving false evidence on his examination on oath before the person conducting such inquiry, every such person so convicted shall be deemed guilty of perjury, and shall be liable to the pains and penalties thereof.

False evidence perjury.

Power to summon witnesses at an inquiry or examination, and penalty for not giving evidence.

LXI. Upon any such inquiry or examination it shall be lawful for the person or persons authorised and appointed to conduct such inquiry, or examination, to summon any person required as a witness to appear before him or them at the time and place to be specified in such summons, to give evidence upon oath of the truth of any facts appertaining to such inquiry, or any other matter touching or relating thereto, and every person so summoned having his reasonable expenses for such attendance, if required, tendered to him at the time of service of such summons, who shall neglect or refuse to appear according to the exigency thereof, or who, having so appeared shall refuse to take the oath, or shall refuse to give evidence, or to answer according to the best of his knowledge and belief, any question thereto when required, shall, for every such default or offence forfeit the sum of twenty pounds.

Rules for conducting inquiry.

LXII. The Governor in Council shall from time to time make such rules and orders for the proper conduct of such inquiries, as aforesaid, as may be expedient, and as in his or their judgment shall be necessary or proper, and such rules and orders shall be observed on the conduct of such inquiries until annulled or varied by the authority of the Governor in Council.

As to the Importation or Prohibition, Entry, Examination, Landing, and Warehousing of Goods.

Importation and prohibition.

LXIII. It shall be lawful to import into any port of the Bahama Islands any goods which are not by this law or any law in force at the

time of importation thereof prohibited to be so imported, and to warehouse under the laws in force for the warehousing of goods, except as hereinafter provided, in warehouses duly approved for the warehousing of goods without payment of duty on the first entry thereof, any goods subject to duties of Customs, the importation and warehousing whereof is not prohibited by any law in force at the time of such importation.

LXIV. If upon the first levying or repealing of any duty, or the first permitting or prohibiting of any importation, or at any other time, or for any of the purposes of this or any Act relating to the revenue, it shall become necessary to determine the precise time at which an importation of any goods shall be deemed to have had effect, such time shall be deemed to be the time at which the ship importing such goods had actually come within the limits of the port at which such ship shall in due course be reported, and such goods be discharged; and if any question shall arise upon the arrival of any ship in respect of any charge or allowance upon such ship, exclusive of cargo, the time of such arrival shall be deemed to be the time at which the report of such ship shall have been, or ought to have been made.

Defines time of importation of goods and arrival of ships.

LXV. No goods shall be deemed to be imported from any particular place unless they be imported direct from such place, and shall have been there laden on board the importing ship, either on the first shipment of such goods or after the same shall have been actually landed at such place.

Direct importation.

LXVI. If any goods enumerated or described in the following Table of Prohibitions and Restrictions as "Goods absolutely prohibited to be imported" shall be imported or brought into the Bahamas, or if any cattle or provisions enumerated or described in such Table as "Cattle and Provisions subject to certain restrictions on importation" shall be imported or brought into the Bahamas contrary to the prohibitions or restrictions contained in such table in respect thereof, then and in every case, such goods, cattle and provisions shall be forfeited, and shall be destroyed or otherwise disposed of as the Governor in Council may direct.

Prohibited goods when imported, how dealt with.

A TABLE OF PROHIBITIONS AND RESTRICTIONS INWARDS.

GOODS ABSOLUTELY PROHIBITED TO BE IMPORTED :

Coin, viz.: False money or counterfeit sterling.

Prohibitions.

Coin—Silver of the realm, or any money purporting to be such, not being of the established standard in weight or fineness.

Indecent or obscene prints, paintings, books, cards, lithographic, or other engravings, or any other indecent or obscene articles.

CATTLE AND PROVISIONS PROHIBITED TO BE IMPORTED, EXCEPT SUBJECT TO THE RESTRICTIONS ON IMPORTATION HEREIN CONTAINED :

Infected cattle, sheep, or other animals, and hides, skins, horns, hoofs, or any other part of cattle or other animals, which the Governor may, by Order in Council, prohibit in order to prevent any contagious distemper.

Provisions, meat, and vegetables unfit for human food, shall be destroyed or otherwise disposed of as the Governor in Council may direct.

LXVII. If any ship arriving within the limits of any port of the Bahama Islands, shall not come as quickly up to the proper place of mooring or unlading as the nature of the port will admit, without touching at any other place, and in proceeding to such proper place shall not bring to at the stations appointed by the Governor in Council, for

Vessels arriving to come quickly to place of unlading and the master to find accommodations for officer of revenue.

the boarding of ships by the officers of the revenue, or if after arrival at such place, such ship shall remove from such place, except directly to some other proper place of mooring or unloading, and with the knowledge of the proper officer of the revenue, or if the master of any ship on board of which any officer of the revenue is stationed, neglect or refuse to provide every such officer sufficient room under the deck in some part of the cabin, forecastle or steerage, for his bed or hammock, and personal accommodation, the master of such ship shall forfeit the sum of fifty pounds.

Power of revenue officer to board any vessel, to stay there, to have free access to all parts, may seal or secure any goods, fasten down hatchways, &c.

LXVIII. Any officer of the revenue may board any ship arriving at any port, creek or place within the limits of the Bahama Islands, and freely stay on board until all the goods laden therein shall have been duly delivered from the same; and every such officer shall have free access to every part of the ship with power to fasten down the hatchways, and to mark any goods before landing, and to lock up, seal, mark, or otherwise secure any goods on board such vessel; and if any place, or any box, or chest be locked, and the keys be withheld, every such officer, if he be of a degree superior to an out-door officer, may open any such place, box or chest, in the best manner in his power, and if he be an out-door officer, he shall send for his superior officer, who may open, or caused to be opened, any such place, box or chest; and if the officer shall place any lock, mark or seal upon any goods on board, and such lock, mark or seal be wilfully opened, altered, or broken before due delivery of such goods, or if any such goods be secretly conveyed away, or if the hatchways, after having been fastened down by the officer, be opened, the master of such vessel shall forfeit the sum of one hundred pounds; and if any officer of the revenue shall place any lock, mark or seal upon any stores on board any ship arriving at any port, creek, or place within the limits of the Bahamas, and such lock, mark or seal be wilfully opened, altered or broken, or if such stores be secretly conveyed away, either while the ship remains in the port, creek or place at which she shall have so arrived, or before she shall have arrived at any other port within the limits of the Bahama Islands to which she may then be about to proceed, the master of such ship shall forfeit the sum of twenty pounds.

Penalties.

Revenue officers may be placed on board vessels before health officer has visited.

LXIX. Any tidewater or out door officer of the revenue may be placed on board of any vessel arriving within the colony from any port or place without the limits of the Government before the Health Officer of the port has visited such vessel; but in such case the tide-waiter or out-door officer, so placed on board, shall not subsequently quit the vessel until she shall have been admitted to an entry, or the permission of such Health Officer shall have otherwise been obtained for leaving.

The time during which goods may be unshipped.

LXX. No goods shall be unshipped from any ship arriving from parts beyond the seas, or be landed or put on shore on Sundays or on public holidays without the special permission in writing of the chief or other proper officer of the revenue, nor shall they be so unshipped, landed, or put on shore on any other days except between the hours of six o'clock in the morning and five o'clock in the afternoon, or during such other hours as the chief or other proper officer of the revenue may, under special circumstances, and when absolutely necessary appoint; nor shall any goods be unshipped or landed except in the presence or with the authority of the chief or other proper officer of the revenue, nor shall they be so landed except at some legal quay, wharf, or other place duly appointed for the landing of goods, nor shall any such goods, after having been unshipped, or put into any boat or craft to be landed, be transhipped or removed into any other boat or craft previously to their being landed, without the permission of the proper officer of the revenue, and if any such goods shall be unshipped, landed, transhipped or removed contrary thereto, the same shall be forfeited, and if any goods shall be

Authority for landing, legal place, &c.

unshipped or removed from any importing ship for the purpose of being landed after due entry thereof, such goods shall be forthwith removed to and landed at the wharf, quay, or other place at which the same are intended to be landed; and if such goods are not so removed or landed, the same shall be forfeited, together with the barge, lighter, boat or other vessel employed in removing the same.

As to the Report of the Cargo of Merchant Ships bringing Merchandise from parts beyond the Seas.

LXXI. The master of every ship or boat, whether laden or in ballast, arriving at any port within the Bahama Islands from any port or place without the limits of the Government, shall, within twenty-four hours, and before bulk be broken, make due report of such ship or boat in the form following, or to the same effect, and containing the several particulars indicated or required thereby; and if the cargo of such ship or boat shall have been laden at several places, shall state the same in the order of time in which the same was laden opposite to the particulars of the goods laden.

Master must report within 24 hours of arriving.

No.

SHIP'S REPORT INWARDS.

Form.

Port of (name of port of importation.)

Ship's Name and Description.	Tonnage.	British or Foreign, if British, Port of Registry; if Foreign, Country to which she belongs.	Number of Crew.	Name of Master.	Port or Place from whence arrived.
Here state the particulars according to the above headings.					

CARGO.

Marks.	No.	Packages and Description of Goods.	Goods (if any) to be transhipped or to remain on board for Exportation.	Name of Consignee.
Here state the particulars according to the above headings, with the name or names of places where laden in order of time, or if in Ballast state "in Ballast only."				

STORES.

Surplus of stores remaining on board, viz. :

Number of passengers (if any).

Pilots' names.

At what station ship lying.

Agent's name.

I declare that the entry above written is a just report of my ship and of her lading, and that the particulars therein inserted are true, to the best of my knowledge, and that I have not broken bulk, or delivered any goods out of my said ship since her departure from the last foreign place of loading (*except, if so, at stating where.*)

(Signed)

Master.

Signed and declared this day of
in the presence of

(Signed)

*Receiver-General and Treasurer, or other proper Officer
of the Revenue.*

Penalty for
making false
report.

LXXII. If such master shall wilfully fail to make such report according to the particulars hereinbefore set forth, so far as the same are applicable to such ship or boat, cargo and voyage, or if the particulars or any of them, contained in such report be false, such master shall forfeit the sum of one hundred pounds.

Penalty for not
producing bill of
lading if re-
quired.

LXXIII. The master of every ship or boat arriving from parts without the limits of the Bahama Islands, shall, at the time of making such report, deliver to the chief or other proper officer of the revenue, if required, the bill or bills of lading in his possession, or any unsigned copy or copies thereof, for every part of the cargo laden on board, and shall answer all questions relating to the ship, cargo, crew, and voyage, as shall be put to him by the chief or other proper officer of the revenue : and in case of failure or refusal to answer such questions, or answer truly or to produce any such bill or bills of lading or any copy or copies thereof in his possession, or if any such bill or bills of lading be false, or if any such bill or bills of lading be uttered or produced by any master, and the goods expressed therein shall not have been *bonâ fide* shipped on board such ship or boat, or if any bill or bills of lading uttered or produced by any master shall not have been signed by him or by any properly authorised person, or be a true copy of or copies signed or unsigned, of such bill or bills of lading, or if any such copy or copies shall not have been received or made by him, previously to his leaving the place where the goods expressed in such bill or bills of lading, or the copy or copies thereof were shipped, or if after the arrival of any ship or boat within the limits of the Bahama Islands, bulk shall be broken, or any alteration made in the stowage of the cargo of such ship or boat, so as to facilitate the unloading of any part of such cargo, or if any part be staved, destroyed, or thrown overboard, or any package be opened unless accounted for to the satisfaction of the Governor in Council, in every such case such master shall forfeit and pay the sum of one hundred pounds.

Masters of vessels
to report and
enter wrecked

LXXIV. The master of every coasting or other vessel which shall come to, or arrive at any of the islands within this Government, with

goods on board, stranded, wrecked, derelict, or unladen, from any other vessel at sea, with intention to land or dispose thereof, whether such goods were got and taken up within or without the limits of this Government, shall report and enter the quantity and particulars of the said goods and commodities in like manner, and as nearly as can be ascertained as goods regularly imported, and no goods shall on any pretence whatsoever, be landed at any port within this Government, from any such vessel until such report and entry shall have been made, and a permit for that purpose granted by the chief or other proper officer of the revenue, on pain of forfeiting the said vessel, and all the share, part, and proportion of the said goods, which shall or ought to belong to the person or persons concerned in such landing, without such report, entry and permit as aforesaid: Provided, however, that no forfeiture of the said vessel shall take place where it can be satisfactorily established that the owner of such vessel was in no way implicated in such landing as aforesaid, or cognizant of, or privy to the same; and in the event of there being more than one owner of such vessel, then and in such case, the part only of the owner concerned in such fraudulent landing, as aforesaid, shall be liable to forfeiture.

and other goods as nearly like regular importations as possible.

Proviso.

LXXV. Upon the arrival at any port within the colony of ships or boats having on board wrecked, stranded, or derelict property, it shall be lawful for the chief or other proper officer of the revenue at such port to order the several masters or other persons in command, or having the charge of such ships or boats, to anchor their respective ships or boats in as close proximity to one another as the safety of such ships or boats will admit, and as near as practicable to the wharf or place where the property aforesaid is to be landed; and any master or other person in command or charge as aforesaid, refusing or neglecting to obey such order, shall, for every such refusal or neglect, forfeit and pay a penalty not exceeding twenty pounds.

Masters may be ordered to anchor vessels in close proximity to one another.

LXXVI. It shall not be lawful for any person other than the master, crew, owner, or agent of any ship or boat lying in any port within the colony, and laden with wrecked, stranded, or derelict property, or for any person other than the owner of, or the master or agent entrusted with, or having the care of such property, or the consignee thereof, or the clerk or other employé of such owner, master, agent, or consignee, or any other duly authorised person, to repair to, or remain on board of such ship or boat, while so lying in port, and laden as aforesaid, until she shall have entirely discharged her cargo, without the permission of the chief or other proper officer of the revenue previously obtained for the purpose, under a penalty of five pounds, or in default of payment ten days' imprisonment.

Penalty for going on board ship before cargo is discharged.

As to the entry of Dutiable Goods to be delivered for Home Consumption on the landing thereof from the Importing Ship.

LXXVII. The importer of any goods liable to duties of customs, and intended to be delivered for home use, on the landing thereof from the importing ship or boat, or his agent, shall, before unshipment thereof, make perfect entry of such goods by delivering to the chief or other proper officer of the revenue, a bill of entry thereof in the form following, or to the same effect, and containing the several particulars indicated in or required thereby.

Perfect entry of goods to be made for home use.

Form.

ENTRY.

Port of (*name of port of importation*).

Whether prime or post, and if post, date of prime entry.

Importer's name.

Wharf, Dock, or Station.	Ship's Name.	Whether British or Foreign Ship; if Foreign, the Country.	Master's Name.	Port or Place from Whence Imported.
<i>Here state the particulars according to the above headings.</i>				

Marks.	Numbers.	Number of Packages, Quantities, and Description of Goods, as charged in Table of Duties.	Value.	Date.	Duty.
<i>Here state the particulars according to the above headings.</i>					
Total amount of Duty payable on Entry £					

I, (*name of importer or agent*), of (*place of abode*), do hereby declare that I am (*the importer, or agent duly authorised by the importer*), of the goods contained in this bill of entry, and that I enter the same goods, therein stated as goods charged at value, at the sum of (*money in words at length*).

Witness my hand, the

day of

18

Signed

Importer or Agent.

Signed

Receiver-General and Treasurer, or other proper Officer of the Revenue.

And the particulars in such entry shall correspond with the particulars given of the same goods and packages in the report of the ship or boat, and in any certificate of origin or other document, where any such is required, by which the importation or entry of such goods is authorised, or upon which the importer is entitled to any benefit by the distinction thereof or otherwise, and whenever the value of any goods is required to be stated in the entry, the importer or his agent shall subscribe a declaration of the truth of such value in the form set forth at the foot of such entry.

Entry to correspond with packages.

Declarations.

LXXVIII. The importer or his agent shall immediately upon the entry of any goods entered by him to be delivered for home use, the duty upon which shall not amount to or exceed the sum of twenty pounds, pay down any duties which may be payable upon the goods mentioned in such bill of entry, to the chief or other proper officer of the revenue authorised by the Governor in Council to receive the same; and such bill of entry, when signed by the chief or other proper officer of the revenue shall be transmitted to the examining or other proper officer of the revenue and be his warrant for the landing and delivery of such goods.

Importer at once to pay duty upon any amount under £20.

LXXIX. If the duty upon any goods imported for home use shall amount to, or exceed the sum of twenty pounds, the importer of such goods shall upon the entry of such goods be allowed a credit of one calendar month from the date of such entry, bond to Her Majesty, her heirs and successors, with one or more sureties in double the amount of such duty being first given, and entered into by such importer, with condition for the payment, at the expiration of the time of credit, of the full amount of the duty due and payable thereon: Provided, however, "that this section shall extend only to articles regularly imported at one importation," and by the same importer, and shall not apply or extend to any articles not originally shipped with the intention of being brought into the colony, however subsequently the same may be imported, and whether the same be sold at public auction or not.

Bond to be given when duties exceed £20.

Proviso.

LXXX. Whenever articles on which import duties are chargeable according to value are entered at any revenue office within the colony, it shall be the duty of the officer taking the inward entry (except in the cases hereinafter excluded from the operation of this provision), to require the party making the entry, whether the articles shall be entered to be warehoused or for consumption, to produce the original invoices showing the cost of the articles at the place at which they were purchased; and such articles shall not be admitted to entry until such invoices are produced and submitted for the inspection of the officer requiring the same, or satisfactory proof be made by the importer accounting for the non-production of the invoices, and showing the true value of the articles; and if such officer shall have reason to believe that any invoice so produced does not show the actual cost of the goods, it shall be lawful for him to have the packages containing the articles suspected to have been invoiced below their value, opened, and the value of the articles, at the place of purchase or shipment, ascertained by the appraisement of two disinterested and competent persons, being merchants, one to be appointed by the officer, and one by the importer; or in case of the refusal or neglect of the importer to name an appraiser, by two persons, being merchants, to be appointed by the officer alone, with power in either case for such appraisers, in the event of disagreement as to the value, to appoint an umpire; and the persons so appointed shall declare before the said officer what in their judgment and opinion is the value of the goods at the port or place whence the same were brought, and if the value declared by the appraisers or umpire shall exceed the invoiced value, it shall be lawful for the chief or proper officer of the revenue to assess the duty upon the amount so declared by such appraisers or

Invoices to be produced.

How to deal with articles supposed to be invoiced below their value.

Proviso.

Ten per cent.
allowed on
spirits.

umpire to be the value of such goods, with the addition of 10 per cent. upon such appraised value; and if any person shall produce an invoice in which the value of any articles offered for entry is wilfully stated at an untrue or fictitious value, or shall otherwise fraudulently attempt to get any such articles entered at a lower value than the true one, he shall be liable to a penalty of fifty pounds, to be recovered in the usual manner: Provided, however, that nothing in this section contained shall apply to articles brought into port within these islands from wrecked or stranded vessels, or in vessels which may have put into any such port in distress, and without having cargo on board consigned to the port at which they have to arrive in distress.

LXXXI. If upon the first importation of any spirits or wines, the importer or importers shall pay the duties chargeable thereon; or shall enter into bond for such duties, as is hereinbefore provided, then there shall be allowed a deduction from the gauge of any such spirits or wine, of ten per cent.*

As to the Entry of Goods intended to be Warehoused without payment of Duty on First Entry thereof:

Regulates the
way goods are to
be entered to be
warehoused.

LXXXII. The importer of any goods intended to be warehoused without payment of duty on the first entry thereof, or his agent, shall deliver to the chief or other proper officer of the revenue, a bill of entry (printed in red ink) of such goods in the same manner and form and containing the same particulars as are hereinbefore required on the entry of goods to be delivered for home use on the landing thereof, as far as the same shall be applicable, and the name and description of the warehouse in which such goods are intended to be warehoused, and the name of the person in whose name they are to be so warehoused; and such bill of entry, when signed by the chief or other proper officer of the revenue, shall be transmitted to the examining or other proper officer of the revenue, and be the warrant for the due landing and warehousing of such goods.

Goods brought to
this colony
otherwise than
by regular im-
portation may be
landed without
complete entry
for ten days or
longer if sanc-
tioned.

LXXXIII. All goods brought into any warehousing port in this colony, otherwise than by regular importation, shall, at the option of the owner, consignee, or other person having the lawful charge thereof, be landed without a complete entry thereof being first made, as required by this Act, and shall be thereupon lodged for safe custody in some one or other of the warehouses appointed under the authority of the said Act; and it shall be lawful for the owner, consignee, or other person, as aforesaid, having the lawful charge of any such goods, as aforesaid, to keep the same in any such warehouse as aforesaid, for the space of ten days, or for such further time as may in any particular case be for that purpose sanctioned by order of the Receiver-General and Treasurer or other chief officer of the revenue, without completing the entry thereof, as aforesaid; and it shall also be lawful for such owner, consignee, or other person having the lawful charge, as aforesaid, of any such goods which have been lodged for safe custody in any warehouse, as aforesaid, at any time before the expiration of the said term of ten days from the date of such goods being lodged in such warehouse, as aforesaid, or at any time before the expiration of such further time as may in any particular case be for that purpose allowed, as aforesaid, to complete the entry thereof, either for the purpose of warehousing such goods, under the provisions of the said recited Act, or of taking the same out of such warehouse for consumption in the colony; and it shall be in all such cases, as aforesaid, lawful to enter such goods to be warehoused, not-

* See 9th sec. "Tariff Act, 1895."

withstanding such goods may have been previously sold or exposed for sale, while so in the warehouse for safe custody, as aforesaid, on the terms of the duties due thereon having been paid, or on any other terms whatsoever.

LXXXIV. If after any goods shall have been duly entered and landed to be warehoused, though not actually deposited in the warehouse, the importer shall further duly enter the same, or any part thereof, for home use or for exportation, the same may be delivered and taken for home use or exportation, as the case may be.

Warehoused !
goods may be
taken for home
use, &c.

As to the Entry of Goods free of Duty :

LXXXV. The importer of any goods not subject to duties of customs, or his agent, shall deliver to the chief or other proper officer of the revenue, a bill of entry of such goods in the same manner and form, and containing the same particulars as hereinbefore required on the entry of dutiable goods, so far as the same is applicable, which entry, so far as regards the goods, shall be a transcript of the report, and shall therein describe such goods according to the terms upon which such goods are free of duty, and the value of such goods as shall have been previously chargeable with duty at value ; and such bill of entry, when signed by the chief or other proper officer of the revenue, shall be transmitted to the examining or other proper officer, and be his warrant for the delivery of the goods mentioned therein.

Goods both
dutiable and not
dutiable to be
alike entered.

As to the Entry of Goods landed for Examination by Bill of Sight and perfecting Entry thereof :

LXXXVI. The importer of any goods or his agent, if unable, for want of full information, to make a perfect entry of such goods, on making and subscribing a declaration to that effect before the chief or other proper officer of the revenue, may make an entry by bill of sight for the packages or parcels of such goods in the form following, or to the same effect, and containing the several particulars indicated or required thereby.

Bill of sight,
entry.

BILL OF SIGHT.

Form.

Port of (name of port of importation.)
Importer (name of importer.)

Wharf, Dock, or Station.	Ship's Name.	Whether British or Foreign Ship; if Foreign, the Country.	Master's Name.	Port or Place from whence Imported.
Here state the particulars according to the above headings.				

Marks.	Nos.	Number of Packages, with the best Description of the Goods the Importer is able to give.
Here state the particulars according to the above headings.		

I, _____ the importer (or agent to _____ the importer) of the goods above mentioned, do hereby declare that I have not (if importer), or that to the best of my knowledge he has not (if agent) received sufficient invoice, bill of lading, or other advice from whence the quality, quantity, or value of the goods above mentioned can be ascertained.

Dated this _____ day of _____ A.D. 18

Signed

Importer or Agent.

Signed

Receiver-General and Treasurer, or other proper Officer of the Revenue.

Perfect entry of goods to be made in three days.

LXXXVII. Such entry being delivered to the chief or other proper officer of the revenue, and signed by him, shall be the warrant for landing such goods to be examined by such importer in the presence of the proper officer, and the importer shall, within three days after the landing thereof, or within such further period as the Receiver-General and Treasurer, or other chief officer of the revenue shall direct, make full and perfect entry thereof by endorsing upon such bill of sight, such particulars of such goods as are hereinbefore required on making perfect entry of goods, whether for payment of duty, or for warehousing, or for delivery free of duty, as the case may be, and to such endorsement he shall affix the date thereof, together with his signature and place of abode, and such endorsement, when signed by the chief or other proper officer of the revenue, shall be taken as the perfect entry for such goods.

Bill of sight. Goods not to be delivered till perfect entry has been made and duties paid.

LXXXVIII. Where an entry for the landing and examination of such goods for delivery or payment of duty shall be made by bill of sight, such goods shall not be delivered until perfect entry thereof shall have been made, and the duties due thereon paid, unless the importer or his agent shall have deposited with the proper officer of the revenue a sum of money sufficient in amount to cover the duties payable thereon, and if the sum deposited on a bill of sight shall not be equal in amount to the duties payable upon all the goods contained in any single package landed or examined thereby, no part shall be delivered until a perfect entry or entries is or are made, and the duties paid or deposited for the whole of the goods contained in such package.

LXXXIX. If a sum of money sufficient in amount to cover the duties payable on any goods landed by bill of sight, as aforesaid, shall not have been deposited as required by the preceding section, such goods shall be detained by the proper officers of the revenue in a bonded warehouse or other proper place of security; and if the importer shall not, within one month after such landing, or within such further period as the Receiver-General and Treasurer or other chief officer of the revenue shall direct, make perfect entry or entries of such goods, and pay the duties thereon, or on such parts as can be entered for home use, together with other charges of removal, and warehouse rent, such goods shall be sold for the payment of such duties and charges (or for exportation, if they be such as cannot be entered for home use, or shall not be worth the duties), and the overplus, if any, after payment of such duties and charges, or the charges, if sold for exportation, shall be paid to the importer or proprietor thereof. Provided always, that when entry be at any time made as and for a full and perfect entry for any goods provisionally landed by bill of sight, or deposited in a bonded warehouse, or other place of security, as aforesaid, if such entry shall not be made in manner herein required for the due landing of the goods, the same shall be deemed to be goods landed without entry, and shall be forfeited.

For what reasons goods may be detained for a month or sold.

Proviso.

As to the Entry of Goods re-imported into the Bahama Islands after Exportation of the same.

XC. All goods the produce of or manufactured in the Bahama Islands, and all goods upon which the duties upon first importation into the colony have been paid, when exported beyond the limits of the Government, and re-imported into the colony, shall be deemed and taken to be and be entered as foreign, and shall be liable to the same duties, rules, regulations, and restrictions as such goods, if foreign, would be liable to on the first importation thereof, unless the same shall be re-imported within one year after the exportation thereof, and it shall be proved to the satisfaction of the Receiver-General and Treasurer, or other chief officer of the revenue, that the property in such goods has continued and still remains in the person by whom or on whose account the same have been exported, in which case the same may be entered free of duty in the same manner and form and containing the same particulars as hereinbefore required on the entry of free goods, and such bill of entry, when signed by the chief or other proper officer of the revenue, shall be transmitted to the examining or other proper officer, and be his warrant for the delivery of the goods mentioned therein: Provided always, that all goods for which any drawback shall have been received on exportation shall, on re-importation, unless by special permission of the Governor in Council, and on repayment of such drawback, be deemed and taken to be foreign goods.

What constitutes foreign goods under this Act.

Proviso.

As to Entries of Goods in any of the foregoing Cases.

XCI. Upon the entry of any goods, the importer, his agent, or the consignee of the ship, as the case may be, shall deliver two or more duplicates of the bill of entry thereof, as the case may require, in which duplicates of all sums and numbers may be expressed in figures, and the number of duplicates shall be such as the Receiver-General and Treasurer, or other chief officer of the revenue may require.

Duplicate bills of entry.

XCII. Every importer, agent, or other person entering any goods who shall wilfully fail to comply with the foregoing regulations, so far as they are respectively applicable to the goods so entered by him, shall forfeit and pay the sum of twenty pounds.

Penalty for non-compliance with regulations.

What constitutes
a valid entry.

XCIII. No entry or warrant for the landing of any goods shall be deemed valid unless the goods shall have been properly described in such entry, by the denominations and with the characters and circumstances according to which such goods are charged with duty or may be imported, either to be used in the Bahama Islands, or to be warehoused for exportation only.

Concealed pack-
age or parcel to
be forfeited.

XCIV. If any package or parcel shall have been landed by or in pursuance of any entry, and any goods or other things shall be found in such package or parcel concealed in any way, or packed to deceive the officers, such package or parcel, and all the contents thereof, shall be forfeited; and if any goods be taken or delivered out of any ship, or out of any warehouse, not having been duly entered, the same shall be forfeited: Provided always, that no entry shall be required in respect of the baggage of passengers, which may be examined, landed, and delivered under such regulations as the Governor in Council may direct, but if any prohibited or uncustomed goods shall be found concealed therein, either before or after landing, the same shall be forfeited, together with the other contents of the package containing the same.

Surplus stores
may be entered
or warehoused.

XCv. The chief or other proper officer of the revenue may permit any surplus stores, not being merchandise, nor by him deemed excessive, to be entered for private use under and subject to the same duties, rules, and regulations as the like sort of goods would be subject to on importation as merchandise, or permit the master, owner, purser, or other officer of any ship, or any passenger of such ship, to whom any surplus stores belong, to enter and warehouse such surplus stores for future use as ship's stores.

As to the time within which Goods shall be entered and Landed after the arrival of the Importing Ship.

Fourteen days
allowed for enter-
ing and landing
goods.

XCVI. If the importer of any goods shall not within fourteen days (exclusive of Sundays and holidays), after the arrival of the ship importing the same, make perfect entry or entry by bill of sight of such goods, or if having made such entry, he shall not land such goods within such fourteen days, or within such further period as the Receiver-General and Treasurer, or other chief officer of the revenue shall direct, the officers of the revenue may cause such goods to be conveyed to a bonded warehouse; and whenever the cargo of any ship shall have been discharged within such fourteen days, with the exception only of a small quantity of goods, the proper officers of the revenue may forthwith convey such remaining goods to a bonded warehouse; and also at any time after the arrival of such ship may convey any small packages or parcels of goods therein to a bonded warehouse or other secure place, there to remain for due entry during the remainder of such fourteen days, and if the duties due upon any goods so conveyed to a bonded warehouse or other secure place, shall not be paid within one month afterwards, or within such further period as the Receiver-General and Treasurer or other chief officer of the revenue may direct, together with all charges of removal and warehouse rent, such goods may be sold, and the produce thereof applied, first to the payment of freight and charges, next of duties, and the overplus, if any, shall be applied to the proprietor of the goods, on his application in writing for the same; but if such goods or any of them shall be of a perishable nature, the Receiver-General and Treasurer, or other chief officer of the revenue, may forthwith direct sale thereof, and apply the proceeds in like manner: Provided always, that if forty-eight hours or any earlier period after the report of any ship is specified in the bills of lading for the discharge of her cargo or any part thereof, and the importer, owner, or consignee of such goods or his agent, shall neglect to enter and land the same

Time allowed be-
fore goods may
be sold to pay
duties, &c.

Proviso.

within such forty-eight hours, at any port or place approved by the Governor in Council, the master or owner of such ship may immediately, on the expiration of such forty-eight hours, enter and land such goods.

XCVII. Whenever any goods shall remain on board any importing ship beyond the period of fourteen days after the arrival of such ship, or beyond such further period as the Receiver-General and Treasurer, or other chief officer of the revenue may allow, such ship shall be detained by the proper officer of the revenue until all expenses of watching or guarding such goods beyond such fourteen days, or such further time, if any allowed, as aforesaid, not exceeding five shillings per diem, and of removing the goods, or any of them, to a bonded warehouse or other secure place, in case the officers shall so remove them, be paid.

Expense of
guarding goods
not to exceed 5s.
per diem.

As to Goods upon which any Abatement for Damage on the Voyage or by Wreck may be claimed.

XCVIII. If any goods which are rated to pay duty shall receive damage during the voyage or by wreck, an abatement of such duties shall be allowed, in proportion to the damage so received: Provided proof be made to the Receiver-General and Treasurer, or other chief officer of the revenue, that such damage was received after the goods were shipped in the ship importing the same, and before they were landed in the colony, and provided claim to such abatement of duties be made at the time of the first examination of such goods.

Abatement of
duties allowed in
proportion to
damage.
Proviso.

XCIX. The chief or other proper officer of the revenue shall thereupon examine such goods, with reference to such damage, and may state the proportion of damage which in his opinion such goods have so received, and may make a proportional abatement of duties; but if the chief or other proper officer of the revenue shall be incompetent to estimate such damage, or if the importer be not satisfied with the abatement made by such officer, such officer, shall choose two indifferent merchants experienced in the nature and value of such goods, who shall examine the same, and shall make and subscribe a declaration stating in what proportion, according to their judgment, such goods are lessened in their value by reason of such damage, and thereupon the officers of the revenue may make such an abatement of the duties, according to the proportion of damage so declared by such merchants.

Circumstances
under which
merchants may
proportion
damaged goods
for duty.

As to the Unshipping, Landing, Examination, Warehousing, and Custody of Goods.

C. The unshipping, carrying, and landing of all goods, and bringing them to the proper place for examination and weighing, putting them into the scales, opening, unpacking, re-packing, bulking, sorting, lotting, marking and numbering, where such operations respectively are necessary or permitted, and removing to and placing them in the proper place of deposit until duly delivered, shall be performed by or at the expense of the importer; and the importer or person entering any timber or wood to be charged with duty by measurement, shall, at his expense, pile, sort, frame, or otherwise place the same in such manner as the chief or other proper officer of the revenue may deem necessary to enable the officers (or lumber measurers duly appointed by licence for such purpose, and upon whose certificate of admeasurement, which must be attached to and filed with the bill of entry, the duty may be charged), to measure and take the account thereof.

All labour and
expense incurred
on goods for duty
to be at the cost
of importer.

CI. If any goods shall be removed from any ship, quay, wharf, or other place previous to the examination thereof by the proper officer of the revenue, unless under the care or authority of such officer, or if

Goods removed
previous to exa-
mination without
proper authority
to be forfeited.

Goods on being landed to be marked by proper officer and account taken and entered in a book.

Goods completely warehoused not to be moved before examination.

Penalty for not producing goods deposited in warehouses.

Fraud to cause forfeiture of goods.

Penalty for entering warehouse.

Embezzlement of goods, how dealt with.

The importer of goods not entitled to

any goods entered to be warehoused or to be re-warehoused, shall be carried into the warehouse, unless with the authority or under the care of the proper officer of the revenue, and in such manner, by such persons, within such time, and by such roads or ways as such officer shall direct, such goods shall be forfeited.

CII. Upon the entry and landing of any goods to be warehoused, the proper officer of the revenue shall take a particular account of the same, at the quay or wharf at which they shall be so landed, or in the warehouse, if they be goods of which the account is permitted to be taken in the warehouse, and shall, when necessary, cause to be marked on each package of which such account shall be taken, the contents thereof, and shall enter in a book prepared for that purpose, containing the name of the import ship, and of the person in whose name they are entered, the marks, numbers and contents of each such package, the description of the goods, and the warehouse or place in the warehouse in which the same shall be deposited, and when such goods have been so deposited with the authority of the warehouse keeper, or other proper officer of the revenue, he shall certify that the entry and warehousing of such goods is complete, and such goods shall from that time be considered goods warehoused; and if any such goods shall be delivered, withheld, or removed from the proper place of examination before the same shall have been duly examined and certified by such officer, such goods shall be deemed to be goods not duly entered or warehoused, and shall be forfeited.

CIII. If the occupier of any warehouse shall not produce to the proper officer of the revenue, on his request, any goods deposited in such warehouse, which shall not have been duly cleared or delivered therefrom, such occupier shall, for every such neglect, forfeit the sum of twenty pounds, in respect of every package or parcel not so produced, besides the duties due thereon.

CIV. If any goods entered to be warehoused shall not be duly warehoused in pursuance of such entry, or being duly warehoused shall be fraudulently concealed in or removed from the warehouse, or abstracted from any package, or transferred from one package to another or otherwise, for the purpose of illegal removal or concealment, they shall be forfeited.

CV. If the importer or proprietor of any goods warehoused, or any person in his employ, shall clandestinely open the warehouse, or except in the presence of the proper officer of the revenue, acting in the execution of his duty, gain access to the goods, such importer or proprietor shall for every such offence forfeit the sum of twenty pounds.

CVI. If any goods shall be taken out of any warehouse, without due entry of the same with the proper officer, the occupier of such warehouse shall forthwith pay the duties due upon such goods, and every person so taking out any goods without payment of duty, or who shall aid, assist, or be concerned therein; and every person who shall wilfully destroy or embezzle any goods duly warehoused, shall be deemed guilty of a misdemeanor, and shall upon conviction suffer the punishment by law inflicted in cases of misdemeanor; but if such person shall be an officer of the revenue, not acting in the due execution of his duty, and shall be prosecuted to conviction by the importer, consignee, or proprietor of such goods, no duty shall be payable for, or in respect of such goods, and the damage occasioned by such waste, spoil or embezzlement, shall, with the sanction of the Governor in Council, be repaid or made good to such importer, consignee or proprietor, by the Receiver-General and Treasurer, out of any monies in the treasury of the colony.

CVII. No compensation shall be made by the Governor in Council to any importer, proprietor, or consignee of any goods by reason of any

damage occasioned thereto in the warehouse by fire, or other inevitable accident; but if any goods warehoused or entered to be warehoused, or entered to be delivered from the warehouse, shall be lost or destroyed by unavoidable accident, either on shipboard or in landing, or in receiving into the warehouse, or in the warehouse, or in the delivery therefrom, the duties thereon shall, upon proof to the satisfaction of the Governor in Council of the loss or destruction of the goods as aforesaid, be remitted or returned, as the case may be.

compensation
through acci-
dent.

As to the Removal of Warehoused Goods.

CVIII. Any goods warehoused at any port in the Bahama Islands may be removed to any port in which the like goods may be warehoused on importation, to be re-warehoused at such other port, and again as often as may be required at any other such port to be there re-warehoused, or with the permission of the proper officers of the revenue, from any warehouse in any port to any other warehouse in the same port, under such regulations, and with such security as the Receiver-General and Treasurer may direct, on the delivery to the proper officer by the person requiring such removal of a request note, stating the particulars of the goods required to be removed, the name of the port, or of the warehouse, if in the same port, to which the same are intended to be removed, and with such other information, and in such manner and form as the Receiver-General and Treasurer may direct or require.

Goods may be removed from one port or warehouse to another under regulations.

CIX. On the delivery of any warehoused goods for removal, an account containing the particulars thereof shall be transmitted by the proper officers of the port of removal to the proper officers of the port or place of destination, and the person requiring the removal thereof shall enter into bond, with one or more sufficient sureties, in the sum equal at least to the duty chargeable on such goods, for the due arrival and rewarehousing thereof at the port or place of destination, within such time as the Receiver-General and Treasurer or other chief officer of the revenue may direct, such bond to be taken by the proper officer of the port of removal, and such bond shall not be discharged until a certificate under the hand of the proper officer at the port of destination shall have been produced to the proper officer at the port of removal that such goods have been duly re-warehoused at the port of destination, or shall have been otherwise accounted for to the satisfaction of the Receiver-General and Treasurer or other chief officer of the revenue, nor until the duties due upon any deficiency of such goods not so accounted for shall have been paid.

Bond to be given for payment of duty on goods removed.

CX. Upon the arrival of such goods at the port or place of destination, the same shall be entered and warehoused in the same manner, and under and subject to the same laws, rules and regulations, so far as the same are or can be made applicable, as are required on the entry and warehousing of goods on the first importation thereof.

Goods removed liable to the same rules as when imported.

CXI. If upon the arrival of goods so removed as aforesaid at the port of destination the parties shall be desirous forthwith to export the same, or to pay duty thereon for home use, without actually lodging the same in the warehouse for which they have been entered and examined to be re-warehoused, the officers of the revenue at such port may, after all the formalities of entering and examining such goods for re-warehousing have been duly performed, permit the same to be entered and shipped for exportation or to be entered and delivered for home use, upon payment of the duties due thereon, as if such goods had been actually lodged in such warehouse; and all goods so exported, or for which the duties have been so paid shall be deemed to have been duly cleared from the warehouse.

Goods removed may be exported or retained for home use.

Goods must not be kept in warehouse more than four years except under conditions.

CXII. All warehoused goods shall be cleared either for home use or for exportation at the expiration of four years from the day on which the same were so warehoused, or within such further period and in such cases as the Receiver-General and Treasurer shall direct, unless the owner or proprietor of such goods shall be desirous of re-warehousing the same, in which case the same shall be examined by the proper officers, and the duties due upon any deficiency or difference between the quantity ascertained on landing and the quantity found to exist on such examination, together with the necessary expense attendant thereon, shall, subject to such allowances as are by law permitted in respect thereof, be paid down, and the quantity so found shall be re-warehoused in the name of the then owner or proprietor thereof in the same manner as on first importation.

Warehoused goods liable to be sold if expenses are not paid.

CXIII. If any warehoused goods shall not be duly cleared, exported or re-warehoused, and the duties ascertained to be due on the deficiencies, as aforesaid, shall not be paid down at the expiration of four years from the previous entry, and warehousing thereof, or within such further period as shall be directed as aforesaid, the same, if worth the duty due thereon, shall, after one month's notice to the proprietor or occupier of the warehouse, with all convenient speed be sold either for home use or exportation, with or without the consent of the proprietor of the warehouse or of the owner of such goods, and the proceeds thereof shall be applied to the payment of the duties, warehouse rent, and charges, and the surplus, if any, shall be paid to the owner of such goods, if known, but if such owner cannot be found, such surplus shall be carried to the credit of the colony, to abide the claim of such owner on his appearing and making good his claim thereto; and if such goods shall not be worth the duty, then the same, after such one month's notice as aforesaid, may be exported or destroyed, with or without the concurrence of the owner thereof, or the proprietor of the warehouse in which the same were so warehoused, as the Receiver-General and Treasurer or other chief officer of the revenue shall see fit; and the duties due upon any deficiency thereof not allowed by law, shall be forthwith paid by the proprietor of the warehouse.

Goods may be sorted, re-packed, &c.

CXIV. It shall be lawful for the Receiver-General and Treasurer or other chief officer of the revenue at any warehousing port, under such regulations as the Receiver-General and Treasurer shall see fit, to permit the proprietor or other person having control over the goods so warehoused, to sort, separate, pack and re-pack any such goods, and to make such lawful alterations therein, or arrangement, and assortments thereof, as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same, and also to permit any part of such goods so separated to be destroyed, without payment of duty on the portion so destroyed.

Samples without entry.

CXV. It shall be lawful for the Receiver-General and Treasurer, or other chief officer of the revenue at any warehousing port, under such regulations as the Receiver-General and Treasurer shall see fit, to permit moderate samples to be taken of any goods so warehoused without entry, and without payment of duty, except as the same shall eventually become payable, as on a deficiency of the original quantity.

Packing materials.

CXVI. No foreign materials whatsoever shall be used in the repacking of any goods in the warehouse, except such as shall have been used in the importation of warehoused goods, unless the full duties thereon shall have been first paid.

Goods may be taken from warehouse.

CXVII. The Governor in Council may, by instruction, permit any goods to be taken out of the warehouse, without payment of duty, for such purpose or for such period as to him may appear expedient, and in such quantities, and under such regulations and restrictions, and with such security by bond, for the due return thereof, or the payment of the duties due thereon, as he may direct or require.

As to the Entry of Warehoused Goods for Home Consumption and Exportation, and the delivery thereof.

CXVIII. No warehoused goods shall be taken or delivered from the warehouse, except upon due entry, and under the care of the proper officers for exportation, or upon due entry and payment of the full duties payable thereon for home use. Entry of goods taken from warehouse.

CXIX. Upon the entry of any goods to be cleared from the warehouse for home use, the person entering such goods shall deliver a bill of entry (printed in red ink) and duplicates thereof in like manner and form, containing the same particulars as are hereinbefore required on the entry of goods to be delivered for home use, on the landing thereof, as far as the same may be applicable, and shall at the same time pay down to the proper officer of the revenue the full duties payable thereon, not being less in amount than according to the account of the quantity taken on the first landing thereof except as to the following goods, viz.: wines, spirits, molasses, oils and other liquids in casks, and unrefined sugar and tobacco, the duties whereon, when cleared from the warehouse for home use, shall be charged upon the quantity of such goods ascertained by measure, strength or weight, at the time of actual delivery thereof, unless there is reasonable ground to suppose that any portion of the deficiency or difference between the measure, strength or weight ascertained on landing and first examination of any such last-mentioned goods, and that ascertained at the time of actual delivery, has been caused by illegal or improper means, in which case the proper officer of the revenue shall make such allowance only for loss as he may consider fairly to have arisen from natural evaporation or other legitimate cause. Bills of entry.

Duties payable.

CXX. When any deficiency occurs in goods chargeable to pay duty according to the value thereof, the value thereof shall be estimated as nearly as conveniently may be by the officers of the revenue according to the market price of the like sort of goods. Deficiency in goods.

CXXI. No duty shall be charged in respect of any deficiency in goods entered and cleared from the warehouse for exportation, unless the officers of the revenue have reasonable grounds to suppose that such deficiency, or any part thereof, has arisen from illegal abstraction. No duty on deficiency, &c.

As to the Exportation and Entry of Goods, and the Clearance of Ships from Ports within the limits of the Bahamas to parts beyond the Seas.

CXXII. No person shall export any warehoused goods, nor enter any such goods for exportation from the Bahama Islands to parts without the limits of the Government, in any ships of less burden than seven tons. Size of vessel.

CXXIII. The master of every ship in which any goods are to be exported from the Bahama Islands to parts without the limits of the Government, or his agent, shall, before any goods be taken on board, make due entry outwards of such ship, verified by his signature in a book to be kept at Nassau in the Receiver-General's office, or at the Out-islands in the office of the collector of revenue, in the following form or to the same effect, and containing the several particulars indicated or required thereby. Master to sign book.

REPORT BOOK, OUTWARDS.

PORT OF

Report.		Wharf, Dock, or Station.	Vessel's Name.	Description.	Master's Name.	Of what Port (if Foreign, Country).	Port or Place of Destination.
No.	Date.						
<i>Here state the particulars according to the above headings.</i>							

Description of Cargo (if any).	Number of Passengers.	With Cargo.		In Ballast.		Signature of Master or his Agent.
		Tons.	Men.	Tons.	Men.	
<i>Here state the particulars according to the above headings.</i>						

And if such ship shall have commenced her lading at some other port, the master shall deliver to the proper officer the clearance of such goods from such other port; and if any goods be taken on board any ship at any port before such ship shall have been entered outwards at such port (unless an order, when necessary, shall be issued by the proper officer to lade any heavy goods for exportation on board such ship), the master shall forfeit the sum of one hundred pounds.

Penalty.

Time when goods
may or may not
be shipped.

CXXIV. No goods shall be shipped, put off, or waterborne to be shipped for exportation, from any port or place within the Bahama Islands, on Sundays or on public holidays, without the special permission in writing of the chief or other proper officer of the revenue, nor shall they be so shipped, put off, or waterborne on any other days except between the hours of six o'clock in the morning and five o'clock in the afternoon, or during such other hours as the Receiver-General and Treasurer, or other chief officer of the revenue may, under special circumstances, and when absolutely necessary, appoint; nor shall any goods be shipped, put off, or waterborne from any place except some legal quay, wharf, or other place duly appointed for such purpose, nor without the presence or authority of the proper officer of the revenue, nor before due

entry outwards of such ship, and due entry of such goods; and it shall be lawful for the proper officer of the revenue to open all packages, and fully to examine all goods shipped or brought for shipment at any port or place within the limits of the Bahamas.

As to the Entry and Clearance of Goods for Exportation.

CXXV. Before any warehoused goods, goods subject to duties, or entitled to any drawback on exportation, or exportable only under particular rules, regulations or restrictions, shall be permitted to be exported, the exporter or his agent shall give security by bond in double the amount of duty payable by law upon the importation of such goods, with one or more sufficient sureties, that such goods shall be duly shipped and exported, and shall not be unshipped or relanded at any port or place within the limits of the colony: Provided, however, that any person desirous of exporting any of the goods in this section particularly mentioned may, in lieu of giving the required security by a separate bond before each and every exportation of such goods, give such security by a general bond in an amount to be fixed by the Receiver-General and Treasurer and subject to such regulations as that officer may make in the matter.

Condition under which warehoused goods are entitled to drawback.

Proviso.

CXXVI. Before any such goods shall be shipped or waterborne to be shipped for exportation, the exporter or his agent shall deliver to the chief or other proper officer of the revenue a bill of entry of such goods, with such duplicates as may be required by such officer or officers in the form following, or to the same effect, and containing the particulars indicated therein or required thereby.

Bill of entry.

EXPORT ENTRY { 1. Warehoused Goods (Form to be printed in red ink). Form.
FOR { 2. Drawback Goods (Form to be printed in blue ink).

Port of
Exporter

Ex from
Warehoused per sel in No. Warehouse
and now for Exportation.

Wharf, Dock, or Station.	Ship's Name.	Whether British or Foreign Ship; if Foreign, the Country.	Master's Name.	Place or Port of Destination.
Here state the particulars according to the above headings.				

Marks.	Numbers.	Value.			Number and Description of Packages.	Quantity, Quality, and Description of Goods.
<i>Here state the particulars according to the above headings.</i>						
Total						

I declare that the value of the goods above described to be (*money in words at length*), and (*if for drawback*) I claim drawback on (*here state the quantity and description in words at length of any goods in respect of which drawback is claimed*).

(Signed)

Examined.

Exporter or Agent.

(Signed)

*Examining Officer,
or other proper Officer of the Revenue.*

Bond given

(Signed)

*Receiver-General and Treasurer,
or other proper Officer of the Revenue.*

Dated this day of , 18 .

And such bill of entry, when signed by the proper officer, shall be the export entry for such goods.

**Export entry
required.**

CXXVII. Before any goods in respect of which no bond is required, shall be shipped or waterborne to be shipped for exportation, the exporter or his agent shall deliver to the chief or other proper officer of the revenue a bill of entry thereof, with such duplicates as may be required by such officer or officers, in the following form, or to that effect, and containing the several particulars indicated in or required thereby :

EXPORT ENTRY.

Form.

For Goods the produce of, or Manufactured in the Bahama Islands, or Foreign Goods, free of duty, or upon which the duty has been paid, and *not* for Drawback.

Port of
Exporter

Wharf, Dock, or Station.	Ship's Name.	Whether British or Foreign Ship ; if Foreign, the Country.	Master's Name.	Place or Port of Destination.
<i>Here state the particulars according to the above headings.</i>				

Marks.	Numbers.	Value.			Number and Description of Packages.	Quantity, Quality, and Description of Goods.
<i>Here state the particulars according to the above headings.</i>						
	Total					

I declare the value of the goods above described to be (*money in words at length*).

(Signed)

Exporter or Agent.

(Signed)

*Receiver-General and Treasurer,
or other proper Officer of the Revenue.*

Dated this day of , 18 .

And such bill of entry, when signed by the proper officer, shall be the export entry for such goods.

What will cause the forfeiture of goods.

Duties may be remitted.

Permission may be granted to clear fruit or salt at a creek by assistant resident justice.

Proviso.

Transshipment of goods, charges, bond.

Drawback upon first importation.

Proviso.

Conditions.

CXXVIII. If any goods taken from the warehouse for removal or for exportation, shall be removed or shipped, except with the authority or under the care of the proper officer of the revenue, and in such manner, by such persons, within such time, and by such roads or ways as such officer shall permit or direct, such goods shall be forfeited.

CXXIX. If any goods duly entered for delivery from the warehouse for removal or exportation shall be lost or destroyed by unavoidable accident, either in the delivery from the warehouse or the shipping thereof, the Governor in Council may remit the duties due thereon.

CXXX. If it shall be proved to the satisfaction of the Governor in Council, that the export of fruit or salt from any place appointed and defined to be a creek under this Act, will be facilitated and encouraged by shippers being allowed to enter and clear their ships at the office of the local assistant resident justice, it shall be lawful for the Governor in Council, and he is hereby authorised to empower the assistant resident justice of the district to enter ships in ballast from parts without the limits of the Bahamas, and to clear such ships laden with salt or fruit only, from within the limits of such creek, for parts without the limits of the colony, under such regulations and restrictions as may be deemed necessary: Provided always, that it shall be lawful for the Governor in Council at any time to revoke the permission so granted for any particular creek.

As to the Transshipment of Goods:

CXXXI. It shall be lawful for the Receiver-General and Treasurer, or other officer of the revenue, to allow all goods, whether dutiable or non-dutiable, brought into any ports of this colony, and reported for exportation, to be transshipped under the care and superintendence of the proper officers of the revenue, on due entries inwards and outwards being previously passed for such goods, and on payment of all charges of revenue thereon, and further in the case of dutiable goods, upon bond being also entered into for the due exportation of the same, in like manner as if they had been actually landed and deposited in a warehouse.

As to Drawback and payment of Drawback on Exportation of Goods upon which specific Duties have been duly paid or secured to be paid upon the first importation thereof:

CXXXII. There shall be allowed upon the exportation from any of these islands of any goods upon which the specific duties imposed by law shall have been on the first importation thereof duly paid, or secured to be paid to any port or place beyond the limits of this Government, a drawback of ninety per centum of such duty: Provided that such drawback shall amount to five pounds, and provided also that no drawback shall be allowed unless security by bond shall have been given for the due exportation of such goods as provided for by the one hundred and twenty-fifth section of this Act, and unless such goods upon which such drawback is claimed shall have been shipped for exportation in the same vessels or packages in which they were imported, unless such vessels or packages shall have become unserviceable, in which case it shall be necessary to entitle the exporter to the drawback aforesaid, and that such goods shall have been transferred to and shipped for exportation in other vessels or packages of the like description and capacity as the original vessels or packages, or of such other size as the Receiver-General and Treasurer, or other chief officer of the revenue, may expressly sanction, but containing, whether the size of such vessels or packages be greater or smaller than the original packages, the whole of the contents thereof, except spoiled or worthless portions unfit for exportation, which shall be destroyed or sold, and in the latter event, a sum equivalent to the original value of the article or articles destroyed or sold, shall be

deducted from the whole sum on which the drawback might be otherwise claimed.

CXXXIII. The person entitled to any drawback on any goods duly exported, or his agent duly authorised by him for that purpose, shall make and subscribe a declaration that the goods mentioned therein have been actually exported, and have not been re-landed and are not intended to be re-landed in any port or place in the Bahama Islands, and that such person at the time of entry and shipping was and continued to be entitled to the drawback thereon, and the receipt of such person shall be the discharge of such drawback when paid.

Declaration to be made before obtaining drawback.

CXXXIV. No drawback shall be allowed upon the exportation of any goods upon which, on the importation thereof into the colony, an *ad valorem* duty is or may hereafter be imposed.

No drawback on certain goods.

CXXXV. No drawback shall be allowed upon any goods cleared for exportation unless the person intending to claim such drawback shall have given due notice of his intention to ship such goods to the chief or other proper officer of the revenue, and shall have produced to the examining or other proper officer of the revenue a copy of the bill of entry or permit containing the description of such goods signed by the chief or other proper officer of the revenue; and if such goods be found to correspond with the particulars contained in such bill of entry or permit, and be duly shipped and exported, the examining or other proper officer of the revenue shall certify such shipment upon such bill of entry or permit, and such bill of entry or permit shall be filed in the Receiver-General's office at Nassau, or in the collector of revenue's office at the Out-islands, as the case may be, with the outward papers of the ship by which such goods were exported.

No drawback to be allowed upon goods cleared for exportation unless certain conditions are complied with.

CXXXVI. No drawback shall be allowed upon the exportation of any goods entered for drawback which shall be of less value than the amount of the drawback claimed.

Value which entitles to drawback.

CXXXVII. No drawback shall be allowed upon the exportation of goods as stores.

Stores.

CXXXVIII. No drawback allowed upon the exportation of any goods shall be paid unless claimed within one year from the date of the shipment of such goods.

Time.

CXXXIX. If any goods which have been cleared to be exported for any drawback shall not be duly exported to parts without the limits of this Government, or shall be unshipped or re-landed in any port or place in the Bahamas (such goods not having been duly re-landed or discharged as short-shipped under the care of the proper officers), the same shall be forfeited, together with any ship, boat, or craft, which may have been used in so unshipping, re-landing, landing, or carrying such goods from the ship in which the same were shipped for exportation; and the master of such ship, and any person by whom or by whose orders or means such goods shall have been so unshipped, re-landed, landed, or carried, or who shall aid, assist, or be concerned therein, shall forfeit a sum equal to treble the value of such goods, or a penalty of one hundred pounds at the election of the Receiver-General and Treasurer.

Goods to be forfeited if re-landed.

Penalty on master of ship or any other person assisting.

As to the Clearance of Ships Outwards :

CXL. If there be on board any ship any goods, being part of the inward cargo reported for exportation in the same ship, the master shall, before clearance outwards of such ship from any port in the Bahama Islands, deliver to the proper officer of the revenue a copy of the report inwards of such goods, certified by the chief or other proper officer of the revenue, and if such copy be found to correspond with the goods so remaining on board, such officer of the revenue shall sign and attach the same to the certificate of clearance outwards of such ship as hereinafter provided for.

Report of goods for exportation, how dealt with.

Outward clear-
ances of goods to
be declared to.

CXLI. Before any ship shall be cleared outwards from the Bahama Islands with any goods shipped or intended to be shipped on board the same, the master shall make due report in the form or to the effect following, and containing the several particulars therein required, as far as the same can be known by him, and shall make and subscribe the declaration at the foot thereof, in the presence of the chief or other proper officer of the revenue, and shall answer such questions as shall be demanded of him concerning the ship, the cargo, and the intended voyage, by such officer.

Form.

SHIP'S REPORT OUTWARDS WITH CARGO.

Port of

Ship's Name and Description.	Ton-nage.	British or Foreign ; if British, Port of Registry ; if Foreign, the Country.	Number of Crew.	Name of Master.	Port or Place of Destination.	Number of Pas-sengers.
<i>Here state the particulars according to the above headings.</i>						

Marks.	Numbers.	Packages and Description of Goods.	Name of Shipper.
<i>Here state the particulars according to the above headings, and if laden, state whether the Goods are "Warehoused," "For Drawback," or "Goods the produce of or Manufacture of the Bahamas," "Foreign Goods Free of Duty," or "Foreign Goods not for Drawback," and if in Ballast state in "Ballast" only.</i>			

STORES, viz. :

Agent's name

I declare that the entry above written is a just report of my ship and of her lading (*if any*), and that the particulars therein inserted are true to the best of my knowledge and belief.

(Signed)

Master..

Signed and declared this day of 18 in the presence of

(Signed)

Receiver-General and Treasurer,
or other proper Officer of the Revenue.

CXLII. Upon the production of such report outwards, the chief or other proper officer of the revenue shall give to the master a certificate of the clearance of such ship for her intended voyage, in the form or to the effect following, containing a full and accurate account or list of all goods reported for exportation in such ship.

Certificate of
clearance.

CERTIFICATE OF CLEARANCE OUTWARDS WITH CARGO. Form.

Port of

RECEIVER-GENERAL'S,
OR COLLECTOR OF REVENUE'S OFFICE.
(as the case may be.)

THESE are to certify to all whom it doth concern that the (*here state nationality, description, and name of ship*) of tons
burthen, whereof is Master, has been duly
cleared at this Office for with a cargo
consisting of

(*Here state quantity, and description of cargo.*)

Given under my hand at the aforesaid port, this
day of 18 .

(Signed)

*Receiver-General and Treasurer,
or other proper Officer of the Revenue.*

And such certificate of clearance, with copy of report inwards of such goods as may have been reported for exportation (if any), properly attached thereto with tape, and the official seal of such officer, shall be the clearance, and authority for the departure of such ship; and if such ship shall depart without such clearance, or if the master shall deliver a false report outwards, or shall not truly answer the questions demanded of him, he shall forfeit the sum of fifty pounds.

Penalty for false
report outwards.

CXLIII. If any goods liable to duty on importation, or taken from the warehouse to be exported, or entitled to drawback on exportation, which are enumerated in the report outwards of any ship, shall not be duly shipped before the departure of such ship, or shall not be duly certified by the proper officer as short-shipped, such goods shall be forfeited: or if any such goods shall be taken on board such ship, not being enumerated in such report outwards, the master of such ship shall forfeit the sum of five pounds in respect of every package of such goods; and if such goods duly shipped on board such ship shall be landed at any other place than that for which they shall have been cleared, unless otherwise accounted for to the satisfaction of the chief or other proper officer of the revenue, the master of such ship shall forfeit a sum equal to treble the value of the goods so landed.

Several condi-
tions which
render goods
liable to for-
feiture or master
of ship to fine.

CXLIV. If any goods shall be shipped, put off, or waterborne to be shipped without being duly cleared, or otherwise contrary to the provisions of this or any other Act of Assembly, the same shall be liable to forfeiture.

Forfeiture of
goods.

CXLV. Before any ship shall be cleared in ballast from any port or place within the limits of the colony for any parts beyond the seas, not having any goods on board, nor any goods reported inwards for exportation in such ship, the master shall make due report in the same manner and form, and containing the same particulars, as far as the same shall be applicable, as are hereinbefore required on the clearance outwards

Clearance of
ships in ballast.

of ships with goods on board, and upon the production of such report outwards, the chief or other proper officer of the revenue shall give to the master a certificate of the clearance of such ship in ballast for her intended voyage in the form or to the effect following.

Form.

CERTIFICATE OF CLEARANCE OUTWARDS IN BALLAST.

Port of

RECEIVER-GENERAL'S

OR COLLECTOR OF REVENUE'S OFFICE.

(as the case may be.)

THESE are to certify to all whom it doth concern, that the (here state nationality, description, and name of ship) of tons burthen, whereof is Master, has been duly cleared at this office for

IN BALLAST.

Given under my hand at the aforesaid port, this day of , 18 .

(Signed.)

Receiver-General and Treasurer,
or other proper Officer of the Revenue.

And such certificate of clearance in ballast shall be the clearance and authority for the departure of such ship; and the master of such ship shall answer to the chief or other proper officer of the revenue such questions touching her departure and destination as shall be demanded of him; and if such ship shall depart without being so cleared, or if the master shall deliver a false report outwards, or shall not truly answer the questions demanded of him, he shall forfeit and pay the sum of fifty pounds.*

Penalty for false report outward.

Passenger ships.

CXLVI. Ships having only passengers with their baggage on board shall be deemed to be in ballast.

As to the Boarding of Ships after Clearance Outwards.

Ship's clearance may be demanded.

Penalty if cargo be not in accordance.

Penalty for breaking seal or lock or removing stores.

CXLVII. Any officers of the revenue may go on board any ship after clearance outwards, within the limits of any port of the Bahama Islands, or within three miles of the coast thereof, and may demand the ship's clearance; and if there be any goods on board not contained in such clearance, such goods shall be forfeited; and if any goods contained in such clearance be not on board, the master shall forfeit the sum of twenty pounds for every package or parcel of goods contained in such clearance and not on board.

CXLVIII. If any officer of the revenue shall place any lock, mark, or seal upon any goods liable to duty, and used as stores on board any ship or vessel departing from any port in the Bahama Islands, and such lock, mark, or seal be wilfully opened, altered, or broken, or if any such stores be secretly conveyed away, either while such ship remains at her first port of departure, or at any other port or place in the Bahama Islands, or on her passage from one such port or place to another, before the final departure of such ship on her foreign voyage, the master shall forfeit the sum of twenty pounds.

CXLIX. If any ship departing from any port in the Bahama Islands shall not bring to at such stations as shall be appointed by the Governor in Council for the landing of officers from such ships, or for further examination previous to such departure, the master of such ship shall forfeit the sum of twenty pounds.

Penalty for not bringing to at stations.

CL. The time at which any goods shall be shipped on board any export ship shall be deemed to be the time of exportation of such goods, and the time of the last clearance of any ship shall be deemed to be the time of departure of such ship.

Time of exportation, &c.

CLII. The following goods may, by proclamation or order of the Governor in Council, be prohibited either to be exported or carried coastwise: arms, ammunition, and gunpowder, military and naval stores, and any articles which the Governor in Council shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food by man, and if any goods so prohibited shall be exported from the Bahama Islands, or carried coastwise, or be waterborne to be so exported or carried, they shall be forfeited.

Goods which may be prohibited from being exported or carried coastwise.

As to the Coasting Trade of the Bahama Islands.

CLIII. All trade by sea from any one part of the Bahama Islands to any other part thereof, shall be deemed to be a coasting trade, and all ships while employed therein shall be deemed to be coasting ships, and no part of the Bahama Islands, however situated with regard to any other part, shall be deemed in law, with reference to each other, to be parts beyond the seas; and if any doubt shall at any time arise as to what, or to, or from what parts of the coast of the Bahama Islands shall be deemed a passage by sea, the Governor in Council may determine and direct in what cases the trade by water from one port or place in the Bahama Islands to another in the same shall or shall not be deemed a trade by sea, within the meaning of this or any Act relating to the revenue.

Coasting trade within the meaning of any Revenue Act.

CLIII. No goods shall be carried in any coasting ship, except such as shall be laden to be so carried at some port or place in the Bahama Islands, and no goods shall be laden on board any ship to be carried coastwise until all goods brought in such ship from parts beyond the seas shall have been unladen, or permission obtained from the chief or other proper officer of the revenue, for such goods to remain on board of such ship, the same being so placed as to allow of their being examined, or the packages counted by the proper officer of the revenue; and if any goods shall be taken into or put out of any coasting ship at sea or over the sea, or if any coasting ship shall touch at any place over the sea, or deviate from her voyage, unless forced by unavoidable circumstances, or if the master of any coasting ship which shall have touched at any place over the sea shall not declare the same in writing, under his hand, to the chief or other proper officer of the revenue at the port in the Bahama Islands, where such ship shall afterwards first arrive, the master of such ship shall forfeit the sum of one hundred pounds.

Goods and coasting ships.

Deviation from voyage, penalty.

CLIV. If any goods shall be unshipped from any ship arriving coastwise, or be shipped or waterborne to be shipped, to be carried coastwise, on Sundays or public holidays, unless in the presence or with the authority of the chief or proper officer of the revenue, or where there is no officer of the revenue, any justice of the peace, or unless at such times and places as shall be appointed or approved by him for that purpose, the same shall be forfeited, and the master of the ship shall forfeit the sum of fifty pounds.

Penalty for shipping or unshipping goods on holidays.

Form required
before coasting
ships depart.

CLV. Before any coasting ship shall depart from any port or creek of landing, an account, with a duplicate thereof, in the form or to the effect following, and signed by the master, shall be delivered to the chief or other proper officer of the revenue; and the chief officer or other proper officer of the revenue shall retain the duplicate, and retain the original account, dated and signed by him.

SHIP'S TRANSIRE.

PORT OF

Ship's Name and Description.	Tons.	Men.	Port of Registry.	Master's Name.	Whither Bound.

CARGO.

DUTY PAID AND FREE.	DUTY NOT PAID.

(Signed)

Master.

Cleared the day of , 18 .

(Signed)

Receiver-General and Treasurer,
or other proper Officer of the Revenue.

Penalty for exhibiting false transire.

And such account shall be the clearance of the ship for the voyage, and the transire or pass for the goods expressed therein, and if any such account be false, the master shall forfeit a sum not exceeding five pounds, at the discretion of the Receiver-General and Treasurer.

Transire to be given up before any goods can be landed and within 24 hours after arrival.

CLVI. Within twenty-four hours after the arrival of any coasting ship at the port or place of discharge, and before any goods, live stock excepted, be unladen, the transire, with the name of the place or wharf where the lading in the case of bonded or other dutiable goods is to be discharged noted thereon, shall be delivered to the chief or other proper officer of the revenue, or where there is no officer of the revenue, to any justice of the peace, who shall note thereon the date of delivery, and retain such transire as a record in his office, and if any of the goods on board such ship shall be unladen contrary hereto, the master shall forfeit

a sum not exceeding five pounds, at the discretion of the Receiver-General and Treasurer, and if any goods shall be laden on board any ship in any port or place in the Bahama Islands, and carried coastwise, or having been brought coastwise shall be unladen in any such port or place contrary to this or any other Act relating to the revenue, such goods shall be forfeited.

CLVII. Any officer of the revenue, or where there is no officer of the revenue, any constable acting under the authority of a justice of the peace, may go on board any coasting ship in any port or place in the Bahama Islands, or at any period of her voyage search such ship and examine all goods on board, and all goods then lading or unlading, and demand all documents which ought to be on board such ship; and the chief or other proper officer of the revenue, or where there is no officer of the revenue, any justice of the peace, may require that all or any such documents shall be brought to him for inspection, and the master of any ship refusing to produce such documents on demand, or to bring the same to the chief or other proper officer of the revenue, or justice of the peace, as the case may be, when required, shall forfeit and pay the sum of twenty pounds.

Revenue officers may board and search any coaster and demand to see all documents.

Penalty.

As to Bonds and other Securities relating to the Revenue.

CLVIII. All bonds and other securities entered into by any person or persons for the performance of any condition, order or matter relative to the revenue or incident thereto shall be valid, and upon breach of any of the conditions thereof may be sued and proceeded upon according to law, and all bonds relating to the revenue or for the performance of any condition or matter incident thereto, shall be taken to or for the use of Her Majesty; and all such bonds, except such as are given for securing the due exportation of or payment of duty upon warehoused goods, may, after the expiration of three years from the date thereof, or from the time, if any, limited therein for the performance of the condition thereof, be cancelled, by or by the order of the Receiver-General and Treasurer; and all bonds given under the provisions of this or any Act relating to the revenue by persons under twenty-one years of age shall be valid.

Provision as to bonds and other securities relating to the revenue.

As to making and signing False Declarations relating to the Revenue, falsely answering Questions, and Counterfeiting Documents.

CLIX. If any person shall make and subscribe any false declaration, or make or sign any declaration, certificate, or other instrument required by this Act to be verified by signature only, the same being false in any particular, or if any person shall make or sign any declaration made for the consideration of the Governor in Council, or any application presented to him, the same being untrue in any particular; or if any person required by this or any other Act relating to the revenue to answer questions put to him by the officers of the revenue, shall not truly answer such questions; or if any person shall counterfeit, falsify, or wilfully use when counterfeited or falsified, any document required by this or any Act relating to the revenue, or by or under the directions of the Governor in Council, or any instrument used in the transaction of any business or matter relating to the revenue, or shall fraudulently alter any document or instrument, or counterfeit the seal, signature, initials or other mark of or used by the officers of the revenue for the verification of any such document or instrument, or for the security of goods, or any other purpose in the conduct of business relating to the revenue or under the control or management of the Governor in Council, or the officers of the revenue; every person so offending shall for every such offence forfeit the penalty of one hundred pounds.

Penalty for making, signing, or declaring to false documents.

As to Regulations for the Prevention of Smuggling.

Revenue officers
authorised to
make seizures.

CLX. The Receiver-General and Treasurer, and the several other officers of the Revenue Department of the colony, shall be and they are hereby respectively invested with full power and authority to make seizure, and otherwise to carry into full force and effect the several laws of the colony relating to the revenue, or to the trade or navigation of the colony, and the jurisdiction of the Receiver-General and Treasurer, and of all officers and other persons acting under his orders and authority, shall for the purposes aforesaid extend throughout the colony, and the jurisdiction of the several collectors of revenue, and preventive officers, and of all officers and other persons acting under their orders and authority, shall extend throughout the Out-islands of the colony.

Vessels having
false sides, bows,
&c., forfeited.

CLXI. All ships and boats belonging wholly or in part to Her Majesty's subjects having false bulkheads, false bows, double sides or bottoms, or any secret or disguised place whatsoever, adapted for the purpose of concealing goods, constructed in such ships or boats, or having any hole, pipe or device in or about such ships or boats, adapted for the purpose of running goods, shall be forfeited; and all foreign ships or boats coming into any port or place within the limits of the Bahama Islands, having on board any goods liable to the payment of duties, or prohibited to be imported into the Bahama Islands, concealed in false bulkheads, false bows, double sides or bottoms, constructed in such ships or boats, or in any secret or disguised place whatsoever in such ships or boats, shall be forfeited.

Goods forfeited if
landed before
duty is paid.
Prohibited goods
forfeited if
landed.

CLXII. If any goods liable to the payment of duties shall be unshipped from any ship or boat in the Bahama Islands, Customs or other duties not being first paid or secured, or if any prohibited goods whatsoever shall be imported or brought into any part of the Bahama Islands, or if any goods whatever which shall have been warehoused or otherwise secured in the Bahama Islands, either for home consumption or exportation, shall be clandestinely or illegally removed from or out of any warehouse or place of security; or if any goods which are prohibited to be exported shall be put on board any ship or boat, with intent to be laden or shipped for exportation, or shall be brought to any quay, wharf, or other place in the Bahama Islands, in order to be put on board any ship or boat, for the purpose of being exported; or if any goods which are prohibited to be exported shall be found in any package produced to any officer of the revenue, as containing goods not so prohibited; or if any goods subject to any duty or restriction in respect of importation, or which are prohibited to be imported into the Bahama Islands, shall be found or discovered to have been concealed in any manner on board any ship or boat, within the limits of any port of the Bahama Islands, or shall be found, either before or after landing, to have been concealed in any manner on board any such ship or boat, within such limits as aforesaid, then and in every of the foregoing cases all such goods shall be forfeited, together with any goods which shall be found packed with or used in concealing them.

As to goods
landed before the
vessel is entered.

CLXIII. If any goods imported or brought into the colony from any place without the limits thereof, shall be unladen at any creek or other place within the colony, due entry thereof not having been first made at a port of entry, and permission granted for the unloading thereof at the particular place at which such unloading may take place, such goods shall be forfeited, and any person concerned in the unloading thereof, or in any subsequent concealment or receiving thereof, or of any part thereof, shall forfeit and pay treble the value of the goods so unladen, concealed or received, or the sum of one hundred pounds, at the option of the Receiver-General and Treasurer, or other officer prosecuting for the

Penalty.

same; and any vessel or boat used in the importation, landing, removing, carriage or conveyance of any goods so unladen in contravention of this section, shall be forfeited.

CLXIV. If any ship or boat whatever shall be found within the limits of the Bahama Islands with a cargo on board, and such ship or boat shall afterwards be found light or in ballast, and the master is unable to give a due account of the port or place within the Bahama Islands where such ship or boat shall have legally discharged her cargo, such ship or boat shall be forfeited.

Any ship found with and afterwards without cargo liable to forfeiture.

CLXV. Any officer or officers of the revenue producing his or their commission, warrant or deputation (if required), or where there is no officer of the revenue, any constable acting under the authority of any justice of the peace, may go on board any ship which shall be within the limits of any port or creek of the Bahama Islands, and rummage and search the cabin and all other parts of such ship for prohibited or uncustomed goods, and remain on board such ship so long as she shall continue within the limits of such port or creek.

Revenue officers may board and search any vessel.

CLXVI. Any officer of the revenue or other person acting in his aid, or duly employed for the prevention of smuggling, may, upon reasonable suspicion, stop and examine any cart, waggon or other means of conveyance, for the purpose of ascertaining whether any smuggled goods are contained therein, and if no such goods shall be found, the officer or other person so stopping and examining such cart, waggon, or other conveyance, having had probable cause to suspect that such cart, waggon, or other conveyance had smuggled goods contained therein, shall not, on account of such stoppage and search, be liable to any prosecution or action at law, on account thereof; and all persons driving or conducting such cart, waggon or other conveyance, refusing to stop or allow any such examination when required, shall forfeit the sum of twenty pounds.

Revenue officers may search any cart or waggon upon reasonable suspicion.

Penalty for refusal.

CLXVII. Any officer of the revenue or other person duly employed for the prevention of smuggling acting under the direction of the Receiver-General and Treasurer or other chief officer of the revenue, having a writ of assistance under the seal of Her Majesty's General Court of these islands, and accompanied by the Provost-Marshal of the colony, or any deputy or other marshal, or any lawful constable, may in the day time enter and go into any house, shop, cellar, warehouse, room, yard or other place, and in case of resistance, break open doors, chests, trunks, and other packages, and there seize and from thence bring any kind of goods or merchandise whatsoever which may have been landed or brought into any of these islands in contravention of any Act or Acts of the General Assembly of these islands; and all writs of assistance so issued shall continue in force during the reign for which they were granted, and for six months afterwards.

Revenue officers may enter yard, house, &c., and if resisted may use force.

CLXVIII. The resident or assistant resident justice of the Out-island districts of the colony, or, in the absence of any such resident or assistant resident justice, any other duly qualified justice of the peace, may, and he is hereby empowered to issue search-warrants under his hand and seal for the discovery and seizure of any goods or merchandize of any description illegally imported into the colony, and such search-warrants when so issued shall have the same force and effect as a writ of assistance issued under the seal of Her Majesty's General Court of these islands; and all officers of the revenue and of the police acting under the authority of such search-warrants shall have and exercise the same powers as are or may hereafter be given by any Act of Assembly to officers acting under the authority of writs of assistance.

Justices may issue search warrants.

CLXIX. All ships, vessels, boats, carriages, carts, waggons, and other means of conveyance, together with all horses and other animals made use of in the removal, carriage or conveyance of any goods liable

Ships, carts, horses, &c., used for smuggling liable to forfeiture.

Ships and goods liable to forfeiture may be seized, and if condemned, sold at public auction.

to forfeiture, under this or any other Act relating to the revenue of these islands, shall be forfeited.

CLXX. All ships, vessels and boats, and all goods whatsoever, liable to forfeiture, and all persons liable to be detained for any offence under this or any other Act relating to the revenue, shall and may be seized or detained in any place, either upon land or water, by any officer or officers of the revenue, or by any person having authority from the Governor to seize, or duly employed for the prevention of smuggling; and all ships, vessels, boats and goods so seized, or detained, shall, as soon as possible, be delivered into the care of the chief or other proper officer of the revenue, at the port next to the place where the same were seized, who shall secure the same by such means, and in such manner as shall be provided and directed by the Governor in Council, and if condemned, the chief or other proper officer of the revenue, as aforesaid, shall cause the same to be sold by public auction to the highest bidder, in accordance with such order as shall be made by the Court before which such articles shall be condemned, or in case of appeal to the Governor in Council, as shall be made by such Governor in Council, and the forfeiture of any ship, vessel or boat, shall be deemed to include her tackle, apparel and furniture, and the forfeiture of any goods shall be deemed to include the package in which the same are found, and all the contents thereof.

Goods seized by police officers to be handed to the revenue officers within forty-eight hours.

CLXXI. If any goods liable to forfeiture under this or any other Act relating to the revenue shall be stopped or taken by any police officer, or other person acting by virtue of any Act of Assembly of these islands, or otherwise duly authorised, such goods shall be delivered into the care of the chief or other proper officer of the revenue, at the port next to the place where the goods were stopped or taken, within forty-eight hours after the said goods were stopped and taken, to be there secured and dealt with as aforesaid.

Suspicious goods how dealt with.

CLXXII. If any such goods shall be stopped, or taken by any police officer on suspicion that the same had been feloniously stolen, the said officer may carry the same to the police office, to which the offender is taken, there to remain until, and in order to be produced at the trial of the offender, and in such case the officer is required to give notice in writing to the chief or other proper officer of the revenue, at the port next to the place where the goods were stopped or taken, of his having so detained the said goods, with the particulars of the same, and immediately after the trial of such offender, all such goods shall be delivered into the care of such chief or other proper officer of the revenue, to be secured and dealt with as aforesaid; and in case any police officer making detention of any such goods, shall neglect to deliver the same to such chief or other proper officer of the revenue, or to give the notice of having stopped the same as before prescribed, such officer shall forfeit the sum of twenty pounds.

Penalty.

Revenue officers may search any persons.

CLXXIII. Any officer of the revenue or other person acting in his or their aid, or duly employed for the prevention of smuggling, may search any person on board any ship, vessel, or boat within the limits of any port in the Bahamas, or any person who shall have landed from any ship, vessel or boat, provided such officer shall have good reason to suppose that such person has any uncustomed or prohibited goods secreted about his person; and if any person shall obstruct any such officer in going, remaining or returning from on board, or in searching such ship, vessel, or boat, or persons, every such person shall forfeit the sum of one hundred pounds; and if any passenger or other person on board any such ship, vessel, or boat, or who may have landed from any such ship, vessel, or boat, shall, upon being questioned by any such officer whether he has any foreign goods upon his person, or in his possession, deny the same, and if any such goods shall after such denial

Penalty for obstructing revenue officers.

be discovered to be or to have been upon his person or in his possession, such goods shall be forfeited, and such person shall forfeit treble the value of such goods.

CLXXIV. Before any person shall be searched by any such officer as aforesaid, such person may require such officer to take him or her before the Receiver-General and Treasurer or other chief officer of the revenue, or before any justice of the peace, who shall, if he see no reasonable cause for search, discharge such person, but if otherwise, direct such person to be searched, and if a female, she shall not be searched by any other than a female.

Persons to be searched may demand to be taken before a superior officer.

CLXXV. Any officer required to take any such person before such Receiver-General and Treasurer, or other chief officer of the revenue, or justice of the peace, shall do so with all reasonable dispatch; but if such officer shall require any person to be searched, not having reasonable ground to suppose that he has uncustomed or prohibited goods about his person, such officer shall forfeit and pay any sum not exceeding ten pounds.

Penalty for searching any person without good reason.

CLXXVI. Every person who shall be concerned in importing or bringing into the Bahama Islands any prohibited goods, or any goods the importation of which is restricted contrary to such prohibition or restriction, and whether the same be unshipped or not; and every person who shall unship or assist or be otherwise concerned in the unshipping of any goods which are prohibited, or of any goods which are restricted and imported contrary to such restriction, or of any goods liable to duty, the duties for which have not been paid or secured; or who shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer, or cause, or procure to be harboured, kept, or concealed, any such goods, or any goods which shall have been illegally removed without payment of duty from any warehouse or place of security in which they may have been deposited, or to whose hands and possession any such goods shall knowingly come, or who shall assist or be concerned in the illegal removal of any goods from any warehouse or place of security in which they shall have been deposited as aforesaid; or who shall be in any way knowingly concerned in conveying, removing, depositing, concealing, or in any manner dealing with any goods liable to duties of customs, with intent to defraud Her Majesty of such duties or any part thereof, or who shall be in any way knowingly concerned in any fraudulent evasion or attempt at evasion of such duties or any part thereof, shall, in each and every of the foregoing cases, forfeit either treble the value of the goods or the penalty of one hundred pounds, at the election of the Receiver-General and Treasurer, or other chief officer of the revenue; and the averment in any information to be exhibited for the recovery of such penalty that such officer had elected to sue for the sum mentioned in the information, shall be deemed sufficient proof of such election, without any other or further evidence of such fact.

Penalty for importing, exporting, or concealing prohibited goods.

CLXXVII. Every person who shall remove any goods imported into the Bahama Islands from any ship, quay, wharf or other place previous to the examination thereof by the proper officer of the revenue, unless under the care or authority of such officer, or who shall remove or withdraw from any quay, wharf or other place any goods entered to be warehoused after the landing thereof, so that no sufficient account is taken thereof by the proper officer, or so that the same are not duly warehoused, and every person who shall assist or be otherwise concerned in such removal or withdrawal, or shall knowingly harbour, keep, or conceal, or shall knowingly permit, or suffer, or cause, or procure to be harboured, kept, or concealed, any such goods, or to whose possession any such goods shall knowingly come, every such person shall forfeit either treble the value thereof, or the penalty of one hundred pounds, at the election of the Receiver-General and Treasurer, or other chief officer

Penalty for removing goods from any ship or wharf without authority from revenue officers.

Penalty for being found on a ship liable to forfeiture.

Persons who escape may be brought before justice.

Persons found on any ship liable to forfeiture, or aiding in concealment of goods of less than £20 value, how dealt with.

Persons detained by justices of the peace may be liberated on giving satisfactory security.

Penalty for offering for sale goods which under pretence are prohibited or smuggled.

Governor in Council may remit or mitigate

of the revenue; and the averment in any information to be exhibited for the recovery of such penalty, that such officer had elected to sue for the sum mentioned in the information, shall be deemed sufficient proof of such election, without any other or further evidence of such fact.

CLXXVIII. Every person who shall be found or discovered to have been on board any ship or boat, liable to forfeiture under this or any other Act relating to the revenue, for being found or discovered to have been within any port, creek, bay, harbour, or inlet of the Bahama Islands, having on board, or in any manner attached thereto, or having had on board, or in any manner attached thereto, or conveying or having conveyed in any manner, such goods or things as subject such ship or boat to forfeiture, shall forfeit the sum of one hundred pounds; and every such person shall and may be detained, and taken before any justice of the peace to be dealt with as hereinafter directed.

CLXXIX. If any person liable to be detained under this or any other Act relating to the revenue, shall not be detained at the time of committing the offence for which he is so liable, or shall after detention make his escape, such person shall and may at any time afterwards be detained and taken before any justice of the peace, to be dealt with as if detained at the time of committing such offence.

CLXXX. Whenever any person shall have been detained and taken before any justice of the peace for being found or discovered to have been on board any ship or boat within any port, creek, bay, harbour, or inlet of the Bahama Islands, such ship or boat having on board, or having had on board any goods as would under this or any other Act relating to the revenue subject the same to forfeiture, or for unshipping, or for aiding or being concerned in the unshipping of any such goods liable to forfeiture under this or any other Act relating to the revenue, or for carrying, conveying, or concealing, or for aiding or being concerned in the carrying, conveying, or concealing of any such goods, and it shall appear to such justice of the peace that the appraised value of such goods in respect of which such person has been so detained does not exceed twenty pounds, such justice of the peace may proceed summarily upon the case without any information, and convict such person of such offence, and adjudge that such person shall, in lieu of any other penalty, forfeit any sum not less than the single value, nor more than treble the value of such goods, including the duties of importation due thereon, and in default of payment of such sum of money, commit such person to prison for any time not exceeding one month.

CLXXXI. When any person shall have been detained for any offence against this or any other Act relating to the revenue, and taken before any justice of the peace, such justice of the peace may, if he see reasonable cause, order such person to be detained in gaol, or in the custody of the police, a reasonable time, in order that the necessary informations, convictions, and warrants of commitment may be prepared, and at the expiration of such time to be brought before him, or any other justice or justices of the peace, who may then finally hear and determine the matter; but any person so detained may be liberated on giving, by recognisance, security to the satisfaction of such justice of the peace in the sum of one hundred pounds, or in the amount of the penalty sought to be recovered, to appear at such time and place as shall be appointed by such justice for hearing the case.

CLXXXII. If any person shall offer for sale any goods under pretence that the same are prohibited, or have been unshipped and run on shore without payment of duties, all such goods (although not liable to any duties or prohibited), shall be forfeited, and every person so offering the same for sale shall forfeit treble the value of such goods.

CLXXXIII. In case any ship, vessel, boat, or goods shall be seized as forfeited, or detained under suspicion of fraud, or the master of any

ship or vessel or other person shall have become liable to any penalty, or to imprisonment by virtue of any Act of Assembly relating to the revenue, and the Governor in Council, as aforesaid, shall deem it just and right to order such vessel, boat, or goods to be restored, or the remission or mitigation of such penalty, or the release from confinement of any such master or other person, it shall be lawful, if he shall think fit to do so, to annex to such order any terms and conditions he may deem necessary; and if the proprietor or proprietors of such vessel, boat, or goods, or the master of any ship or other person, as aforesaid, shall accept the terms and conditions prescribed by the Governor in Council, he or they shall not have or maintain any action for recompense or damage on account of such seizure or detention or imprisonment; and the person making such seizure shall not proceed in any manner for condemnation, but every such seizure or penalty, or part thereof so remitted shall be null and void, and no suit or action shall be brought or maintained by any person whatsoever on account thereof: Provided, however, that no person shall be entitled to the benefit of any order for such delivery, mitigation, remission, or release, unless such terms and conditions are fully and effectually complied with.

any penalty for
breach of re-
venue laws.

As to Distribution of Penalties and Forfeitures:

CLXXXIV. All penalties and forfeitures under this or any other Act relating to the revenue, shall, when not otherwise specially directed, be distributed in manner hereinafter mentioned, that is to say: one moiety to be paid into the Public Treasury, in aid of the support of the Government of the colony, and the other moiety to the person prosecuting for the same.

Penalties and
forfeitures how
divided.

CLXXXV. It shall be lawful for the Governor in Council, and he is hereby authorised on the condemnation of any vessels, boats, or goods, or on the recovery of any penalties under this or any other Act of Assembly relating to the revenue, where such condemnation or recovery has taken place through or by the means of an informer, to direct the distribution of the seisor's share of such vessels, boats, or goods, or of any penalties or rewards that may be recovered on account of any seizure, in such manner as to enable any officer or officers, or other person or persons through whose information or means such seizure shall have been made, or penalties recovered, or party apprehended, and who may be deemed to be so entitled, to participate in such proportions as the Governor in Council shall deem expedient.

Governor in
Council may
divide the seisor's
moiety of a
penalty with an
informer.

As to Collusive Seizures:

CLXXXVI. If any officer of the revenue, or any other person or persons duly employed for the prevention of smuggling, shall make any collusive seizure, or deliver up, or make any arrangement to deliver up, or not to seize any vessel, boat, or goods liable to forfeiture, under this or any other Act relating to the revenue, or shall take any bribe, gratuity, recompense, or reward, for the neglect or non-performance of his duty, every such officer or other person shall forfeit for every such offence the sum of five hundred pounds, and be rendered incapable of serving Her Majesty in any office whatever in this colony; and every person who shall give or offer or promise to give or procure to be given any bribe, recompense, or reward to, or shall make any collusive agreement with any such officer or person, as aforesaid, to induce him in any way to neglect his duty, or to do, conceal, or connive at anything whereby the provisions of any such Act may be evaded, shall forfeit the sum of one hundred pounds.

Penalty to which
revenue officers
are liable for col-
lusion, negli-
gence, or taking
a bribe.

CLXXXVII. Upon proof being made to the satisfaction of the Governor in Council that any officer or officers, or person or persons as

Governor may
order an officer
to seize a vessel

and allow him no share therein.

aforsaid, shall have acted collusively or negligently in making any seizure, or in the apprehension of any party, it shall be lawful for him to direct that the whole, or any part of the proportion of such seizure, which would otherwise go to such officer or person, be applied to the use of Her Majesty for the support of the Government of the colony.

As to Persons assaulting Officers of the Revenue while in the execution of their office or duty :

Penalty for assaulting or obstructing officers in the execution of duty,

CLXXXVIII. If any person shall, by force or violence, assault, resist, oppose, molest, hinder, or obstruct any officer of the revenue, or other person duly employed for the prevention of smuggling, or any other person acting in his or their aid, while in the execution of his or their office or duty, such person, being convicted thereof, shall be liable to be imprisoned, with or without hard labour, in any lawful gaol or place of imprisonment within these islands, for any time not exceeding two years, or to pay such fine as the Court before which the conviction shall take place may in its discretion impose.

As to the course of Procedure for recovering Penalties and enforcing Forfeitures :

Actions for the recovery of penalties to be commenced within three years.

CLXXXIX. All actions or suits for the recovery of any of the penalties or forfeitures imposed by any Act relating to the revenue may be commenced or prosecuted at any time within three years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred, any law, usage, or custom to the contrary notwithstanding.

Goods liable to forfeiture exceeding £20 in value to be condemned only in General Court.

CXC. All goods, ships, vessels, boats, carriages, carts, waggons, and horses, or other animals liable to forfeiture, under this or any other Act relating to the revenue, shall, when the value thereof shall exceed twenty pounds, be proceeded against and condemned in the General Court, or other superior Court, within the jurisdiction of which any such goods, vessels, boats, carriages, carts, waggons and horses, or other animals shall have been seized, and when the value aforesaid shall not exceed the sum of twenty pounds, such proceedings shall be had and condemnation take place before the Court of Common Pleas at Nassau, or before any justice of the peace at any out-port of the colony.*

Value of goods seized to be ascertained by appraisers.

CXCI. The value of articles seized, as aforesaid, shall, for the purpose of the preceding section, be ascertained by two or more appraisers, for that purpose to be appointed by the Receiver-General and Treasurer, or other chief officer of the revenue at the port where such seizure is made.

Rules as to seizure to be framed by the judge of the Court, &c.

CXCII. In all cases of seizure prosecuted in any superior Court within these islands, the chief presiding judge of such Court shall decide and adjudicate thereon, and the mode of proceeding in such cases shall be regulated by rules to be framed for that purpose by such chief presiding judge, which rules, when framed, shall be printed for general information.

Rules for procedure to be printed and circulated.

CXCIII. The mode of proceeding in cases of seizure prosecuted in the Court of Common Pleas and before justices of the peace shall be regulated by rules to be framed for that purpose by the judge of the said Court of Common Pleas, which rules, when approved of by the Governor, shall be printed, and copies transmitted to the various out-ports of the colony for the guidance of justices of the peace there adjudicating on such cases.

CXCIV. and CXCV. Repealed by "The Supreme Court Act, 1896."

Owner of seized property alone can claim it.

CXCVI. No claim to any thing seized under any Act relating to the revenue shall be admitted, unless such claim be entered in the name of

*. See 61 Vic. c. 22, post, No. 12 of this Class.

the owner, with his residence and occupation, nor unless oath to the property of such things be made by the owner, or by his attorney or agent, by whom such claim shall be entered, to the best of his knowledge and belief; and every person making a false oath thereto shall be deemed guilty of a misdemeanor, and shall be liable to the pains and penalties to which persons are liable for a misdemeanor.

CXC VII. All penalties incurred under this or any other Act relating to the revenue shall be sued for and recovered by action of debt or by information, with costs of suit, in any Court within these islands having jurisdiction to the amount; and no imparlance shall be allowed to any such case.

Penalties recoverable as debts.

CXC VIII. Whenever any penalty imposed by any Acts relating to the revenue shall be incurred by any person, such person shall be liable to be arrested under the provisions of the sixth section of the Thirty-third Victoria, chapter nine, or where such penalty is incurred at any Out-island, it shall be lawful for any officer of the revenue at such Out-island, or for any other person, to lay an information in the form A in the Schedule to this Act annexed before any justice of the peace; and it shall be the duty of such justice, upon taking such information, to issue his warrant in the form B in the said Schedule to this Act annexed, for the immediate arrest of the party alleged in such information to have incurred such penalty, and all provisions of the Acts of Assembly of Twelfth Victoria, chapter nine, and Twelfth Victoria, chapter ten, relating to warrants issued under the said Acts, or either of them, as are applicable to the provisions of this Act, shall extend, and apply to all warrants issued under and by virtue of this Act.

Mode of procedure for breach of revenue on the Out-islands.

CXC IX. Whenever any person arrested under such warrant, as aforesaid, shall be brought before a justice of the peace, such justice shall, without any investigation into the merits of the case, require the party to enter into a recognizance, according to the form C in the Schedule to this Act annexed, with two good and sufficient sureties, in double the amount of the penalty sought to be recovered, for his appearance in the General Court, and the party, upon entering into such recognizance shall be entitled to his immediate discharge from custody; but should he fail to enter into such recognizance, the justice shall issue a commitment under his hand and seal, according to the form D in the said Schedule contained, for committing such party to the prison at Nassau: Provided that every party so committed shall have a right to his immediate discharge, upon his entering into the required recognizance at any time during the proceeding against him for the recovery of such penalty.

Justices of the peace shall require the accused to give security for his appearance in General Court.

CC. Whenever any such warrant has been executed, and whenever any such recognizance has been entered into, such warrant and recognizance, as also the information upon which the warrant was granted, or such warrant and information alone, where no recognizance has been entered into, shall be transmitted to the Attorney-General at Nassau, who shall cause such warrant and recognizance (if any), to be filed in the office of the prothonotary of the General Court, and shall then proceed for the recovery of the penalty or penalties sought to be recovered, in the same and the like manner as if an action for the recovery thereof had been commenced by writ of *capias*, the parties to the recognizance, if any has been entered into, to be considered and held as special bail to the action.

Proceedings to be sent to Attorney-General.

As to proofs in proceedings under the Revenue Laws in any of the Courts or before Justices:

CCI. If any goods shall be seized for non-payment of duties or any other cause of forfeiture, and any dispute shall arise whether the duties

Owners of seized goods to prove duty has been paid thereon.

have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall lie on the owner, or claimer of such goods, and not on the officer who shall seize or stop the same.

Averment of chief revenue officers sufficient proof unless the contrary be proved.

CCII. The averment that the Receiver-General and Treasurer or other chief officer of the revenue has directed or elected, that any information or proceedings under this or any other Act relating to the revenue, shall be instituted, or that any person is an officer of the revenue, or that any person was employed for the prevention of smuggling, or that the offence was committed within the limits of any port of the Bahama Islands, the naming of such port in any information or proceedings shall be deemed to be sufficient, without proof of such fact or facts, unless the defendant in any such case shall prove to the contrary.

Revenue officer not required to produce his commission.

CCIII. If, upon any trial, a question shall arise whether any person is an officer of the revenue, his own evidence thereof, or other evidence of his having acted as such, shall be deemed sufficient, and such person shall not be required to produce his commission or deputation, unless sufficient proof shall be given to the contrary; and every such officer, and any person acting in his aid or assistance, shall be deemed a competent witness, upon the trial of any suit or information, on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to the whole or any part of such seizure or penalty, or to any reward upon the conviction of the party charged in such suit or information.

An official letter sufficient proof of any orders.

CCIV. Upon the trial of any issue, or upon any judicial hearing or investigation touching any seizure, penalty or forfeiture, or other proceeding under any law or laws relating to the revenue, or incident thereto, where it may be necessary to give proof of any order issued by the Governor, or by the Governor in Council, or the Receiver-General and Treasurer, or other chief officer of the revenue respectively, the order, or any letter or instructions referring thereto, which shall have been officially received by any officer of the revenue for his government, and under which he shall have acted as such officer, shall be admitted and taken as sufficient evidence and proof of such order.

As to Actions against Officers of the Revenue :

One month's notice to be given before an action can be brought against a revenue officer.

CCV. No writ shall be sued out against, nor a copy of any process served upon any officer of the revenue or any other person acting under the direction of the Receiver-General and Treasurer, or other chief officer of the revenue, for anything done in the exercise of his office, until one calendar month after due notice in writing shall have been delivered to him or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent, and at the trial of any such action, no evidence of any cause of action shall be allowed to be produced and given, except such as shall be contained in such notice, and no verdict shall be given for the plaintiff, unless he shall prove on the trial that such notice was given, and in default of such proof, the defendant shall recover in such action a verdict and costs.

Actions to be brought within three months. Defendant may plead general issue.

CCVI. Every such action shall be brought within three calendar months after the cause thereof, and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff shall become non-suited, or shall discontinue the action, or if upon a verdict or demurrer judgment shall be given against the plaintiff, the defendant

shall recover his full costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

CCVII. In case any information or suit shall be brought to hearing or trial on account of any seizure made under any Act relating to the revenue, and a decision shall be pronounced or verdict shall be found for the claimant or defendant, and the judge or Court by or before whom the cause shall have been heard or tried, shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to an action, information or other suit or prosecution on account of such seizure; and if any action or other suit or prosecution shall be brought to trial against any person on account of any seizure or detention wherein a verdict shall be given against the defendant, the plaintiff, besides the things seized or retained, or the value thereof, shall not be entitled to more than two pence damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined more than one shilling.

Costs.
Where probable cause of seizure exists, claimants not entitled to costs, &c. &c.

CCVIII. It shall be lawful for any such officer, within one calendar month after such notice, to tender amends to the party complaining, or his agent, and plead such tender in bar to any action, together with other pleas, and if the jury shall find the amends sufficient, they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become non-suited, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: Provided always, that it shall be lawful for such defendant, by leave of the Court where such action shall be brought, at any time before issue joined, to pay money into the Court as in other actions.

Amends may be tendered.

Proviso.

CCIX. In any such action, if the judge or Court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than two pence damages, nor to any costs of suit.

Judge to certify probable cause of action.

CCX. For the purpose of this Act, the word "ship" shall mean ship or vessel of any description, unless used to distinguish a ship from a sloop or some other description of vessel.

How "ship" defined.

CCXI. This Act may for all purposes be cited as the "Revenue Consolidation Act, 1873."

Title of Act.

CCXII. The following Acts and parts of Acts of the General Assembly of these islands shall be and the same are hereby repealed:

Acts and parts of Acts repealed.

Third section, seventeenth Victoria, chapter two.

Seventeenth Victoria, chapter three.

Seventeenth Victoria, chapter four.

Nineteenth Victoria, chapter seventeen.

Twentieth Victoria, chapter five.

Twentieth Victoria, chapter twenty-five.

Twenty-first Victoria, chapter eleven.

Twenty-fifth Victoria, chapter eight.

Twenty-seventh Victoria, chapter eight.

Twenty-ninth Victoria, chapter ten.

First section, thirtieth Victoria, chapter twenty.

Thirty-third Victoria, chapter twelve.

Thirty-fourth Victoria, chapter two.

And the several Acts enumerated in the eighty-fourth section of the Act seventeenth Victoria, chapter three.

CCXIII. This Act shall commence and take effect on the first day of June, 1873.

Commencement.

SCHEDULE.

FORM A.—INFORMATION.

Information. Bahama Islands, }
To wit. }

The information and complaint of

taken this day of A.D. 18
before the undersigned, one of Her Majesty's Justices of the Peace in
and for who saith that (*here state the charge*) wherefore the said informant alleges that the said
has incurred a penalty of £——

Taken and sworn to, the day and }
year before mentioned before me. }

FORM B.—WARRANT.

Warrant. To and to all other constables in the
said

Whereas A. B. hath this day been
charged upon oath before the undersigned, one of Her Majesty's Justices
of the Peace in and for the said for
that he on the day of A.D. 18
at did &c. (*stating shortly the charge*),
whereby he has incurred a penalty of £ . These are
therefore to command you in Her Majesty's name forthwith to apprehend
the said A.B., and to bring him before me or some other of Her
Majesty's Justices of the Peace, in and for the said islands, to answer
unto the said charge, and to be further dealt with according to law.

Given under my hand and seal this
day of in the year of
our Lord at
in the aforesaid.
J. S. (L. S.)

FORM C.—RECOGNIZANCE.

Recognizance. Be it remembered that on the day of
in the year of our Lord

A. B., of L. M., of and
N. O., of personally came before the
undersigned, one of Her Majesty's Justices of the Peace, for the said
and severally acknowledged themselves to
owe to our Lady the Queen, the sum of of good and
lawful money of Great Britain, to be made and levied of their several
goods and chattels, lands and tenements respectively, to the use of our
said Lady the Queen, her heirs and successors, if he the said A. B.
fail in the condition endorsed, taken and acknowledged the day
and year first above-mentioned at
before me,

J. S.

CONDITION IN ORDINARY CASES.

The condition of the within-written recognisance is such that whereas the said A. B. was this day charged before

the Justice, within mentioned for that, &c. (*as in the warrant*), if therefore the said A. B. will pay the said penalty, should the same be recovered against him, with costs of Court, or shall be duly rendered to prison, then his recognisance to be void, or else to stand in full force and virtue.

FORM D.—COMMITMENT.

To the Constable of _____ and to the Keeper of the Prison Commitment.
at Nassau, in the Island of New Providence.

Whereas A. B. was this day charged before _____ one of Her Majesty's Justices of the Peace, in and for the said _____ on the oath of C. D., of _____ for that &c. (*stating shortly the offence*). These are therefore to command the said Constable of _____ to take the said A. B. and him safely to keep in custody until he is able to convey him to the Prison at Nassau aforesaid there to deliver him to the Keeper thereof, together with this precept; and I do hereby command you, the said Keeper of the said Prison, to receive the said A. B. into your custody in the said Prison and there safely keep him, until he shall be thence delivered by due course of law.

Given under my hand and seal, this _____
day of _____ in the year of
our Lord _____ at _____
in the _____ aforesaid.
J. S. (L. S.)

No. 3.

41 Vic. c. 8. *An Act to provide for the appointment of a Collector of Revenue at the Biminis.* (Assented to 14th March, 1878.)

I. Upon an order in Council being issued appointing the Biminis a port of entry, the Assistant Resident Justice shall become *ex officio* Collector of Revenue at that port, in the same and the like manner as if the Biminis had been declared a port of entry under the third sub-section of the first section of "The Revenue Consolidation Act, 1873," and thereupon so much of the said sub-section as provides that a Preventive Officer shall be stationed at the said port of Biminis shall be repealed, and thereafter all the provisions of any law or statute referring to the office of Out-Island Collectors shall refer and apply to the office of Collector created by this Act.*

Providing for the appointment of a collector of revenue at the Biminis.

II. Repealed by 52 Vic. c. 27.

* Order in Council issued 3rd June, 1878.

No. 4.

46 Vic. c. 12. *An Act to amend the "Revenue Consolidation Act, 1873."* (Assented to 6th March, 1883.)

PREAMBLE.

WHEREAS, under the first section of "The Revenue Consolidation Act, 1873," it is provided that the Receiver-General and Treasurer of these Islands shall have the general superintendence and control of the entire revenue department of the colony, and although stationed at Nassau shall visit the other ports and creeks of the colony whenever it may be deemed necessary that he should do so by the Governor, acting with the advice of the Executive Council.

AND WHEREAS it is expedient that the Governor in Council should have power to authorise any other person besides the Receiver-General and Treasurer to proceed to the various out-ports of the colony in order to examine and report on the state and condition of the several revenue departments thereat; May it, &c.

A competent accountant may be appointed to examine the revenue departments of out-ports.

I. Whenever it may be deemed necessary by the Governor in Council that an examination should be made into the state and condition of any of the revenue departments of the out-ports of the colony, it shall be lawful for the Governor, acting with the advice of the Council, to appoint any person, being a competent accountant, to make such examination, and to give and grant to him full power and authority to call for and inspect all books, papers and vouchers belonging to or connected with the said revenue department which he has been so appointed to examine.

Expenses.

II. All expenses incurred by any person appointed under this Act to make any examination shall be defrayed out of the Public Treasury by warrant in the usual manner.

No. 5.

49 Vic. c. 18. *An Act to amend the "Revenue Consolidation Act, 1873."* (Assented to 26th May, 1886.)

Provides for the appointment of collector of revenue to settlements engaged in the fruit trade where no revenue officer is stationed.

I. Whenever it is shown to the satisfaction of the Governor in Council, by a petition from the majority of the inhabitants of any settlement within the colony engaged in fruit trade, and at which there is no officer of revenue stationed, that it would be advantageous in the interests of such trade that vessels arriving at such settlement direct from a foreign port should be allowed to enter thereat, and discharge cargo liable to duties, it shall be lawful for the Governor in Council, and he is hereby authorised to appoint a fit and proper officer to reside at such settlement to be styled Collector of Revenue, and who shall be entitled to exercise and perform within such settlement only the duties appertaining to the office of a Collector of Revenue.

Duration of and time for appointment.

II. Such appointment shall only be made and continue in effect, between *the twentieth day of April and the twentieth day of August* in each year, and shall be subject to revocation at any time by the Governor in Council upon sufficient cause shown to his satisfaction.*

Governor in Council may exercise the right vested in him by the 30th section

III. It shall be lawful for the Governor in Council when making any appointment under this Act to exercise the right vested in him by the 30th section of "The Revenue Consolidation Act, 1873," and, in each

* By 61 Vic. c. 19, *post*, No. 11 of this Class, the words "the first day of April and the first day of September" are substituted for the words printed in italics.

year, to declare the particular settlement to which such appointment has been made a port of entry, during the time such appointment shall continue in force, and upon the expiration of such period in each year the said settlement shall cease to be a port of entry.

IV. Every person appointed a collector of revenue under this Act shall enter into a bond to Her Majesty the Queen her heirs and successors, with one or two sureties, in such sum as the Governor in Council may deem sufficient, with condition to the following effect, that is to say: "The condition of the above obligation is such that if the above bounden (naming collector of revenue) shall well and truly to the best of his skill and knowledge, execute the office of collector of revenue at (naming settlement), and shall pay, or cause to be paid, to the Resident Justice for the island or district in which the settlement to which he has been appointed is, within fifteen days after the receipt of the same, all public monies received by him by virtue of his office, and shall obey all instructions given or delivered to him by or from the Receiver-General and Treasurer, then this obligation to be void, but otherwise to remain in full force and virtue." And every collector of revenue shall moreover before entering on the discharge of his duties take and subscribe the oath of allegiance, and the official oath set out in the Act of Assembly 37 Vic., c. 5.

There shall be paid out of the Public Treasury to each of the collectors of revenue appointed under this Act, by warrant in the usual manner, a sum not exceeding ten pounds per month during the time of their appointment.

No. 6.

51 Vic. c. 3. *An Act to provide for the appointment of a Collector of Revenue at Hope Town, Abaco.* (Assented to 28th March, 1888.)

I. Upon an Order in Council being issued appointing Hope Town in the Island of Abaco, a port of entry, the Assistant Resident Justice thereat shall become *ex officio* collector of revenue of that port in the same and the like manner as if Hope Town had been declared a port of entry under the third sub-section of the first section of the Revenue Consolidation Act, 1873, and thereupon so much of the said sub-section as provides that a preventive officer shall be stationed at Hope Town shall be repealed, and thereafter all the provisions of any law or statute referring to the office of Out-island collectors of revenue shall refer and apply to the office of collector of revenue created by this Act.*

II. Repealed by 52 Vic. c. 27.

No. 7.

51 Vic. c. 21. *An Act to extend the provisions of "The Revenue Consolidation Act, 1873," with respect to the clearance of Vessels in ballast.* (Assented to 12th April, 1888.)

I. From and after the passing of this Act the provisions of the one hundred and forty-fifth section of the "Revenue Consolidation Act, 1873," shall extend to and include any ship being about to proceed on a fishing voyage, without the limits of the colony, and having on board no cargo other than the gear and tackle necessary for such voyage.

* Order in Council issued 6th April, 1888.

Certificate of clearance.

II. In the certificate of clearance required by the aforesaid section to be given to masters of ships clearing thereunder, there shall be inserted in the case of ships about to proceed on a fishing voyage as aforesaid in such certificate after the word "for" and before the words "in ballast," the words "a fishing voyage without the limits of the colony with liberty to touch at any foreign port or place," and after the word "ballast" the words "with the gear and tackle necessary for such voyage."

No. 8.

59 Vic. c. 5. *An Act to establish and maintain Government Bonded Warehouses at certain places.* (Assented to 20th March, 1896.)

Title of Act.

I. This Act may be cited as the "Government Bonded Warehouse Act, 1896."

Bonded warehouses may be established at certain ports.

II. It shall be lawful for the Governor in Council to establish and maintain a Government bonded warehouse at Harbour Island and Governor's Harbour, Eleuthera, respectively, whenever the ports of entry thereat have been constituted and appointed warehousing ports under the "Revenue Consolidation Act, 1873,"

Bonded warehouses may be established at other ports.

III. It shall also be lawful for the Governor in Council to establish and maintain a Government bonded warehouse at any other port of entry in the colony which has been constituted and appointed a warehousing port under the "Revenue Consolidation Act, 1873."

Certain provisions of "Revenue Consolidation Act, 1873," to apply.

IV. Where any port of entry has been constituted and appointed a Warehousing Port as aforesaid, and a bonded warehouse has been established thereat under the authority of this Act, the provisions of the "Revenue Consolidation Act, 1873" relating to warehouses appointed thereunder, in so far as they can, shall apply to the warehouses established under this Act.

Payment of expenses.

V. No charge on the public revenues of the colony shall be incurred under this Act unless the amount has been previously voted and appropriated in due form of law.

No. 9.

59 Vic. c. 24. *An Act providing for the Punishment of Persons engaged in Smuggling and Illicit Trade.* (Assented to 30th April, 1896.)

Title of Act.

I. This Act may be cited for all purposes as "The Smuggling Prevention Act, 1896."

Penalty for smuggling goods or landing goods without permission in writing of a revenue officer, or receiving smuggled goods.

II. Every person concerned in smuggling any goods, or in landing or attempting to land any goods without having first obtained the permission in writing of the chief or other proper officer of revenue of the port at which such goods are landed or attempted to be landed, and every person receiving or harbouring such goods knowing that they have been smuggled or landed at any port within these islands, shall be guilty of an offence punishable on summary conviction, and on a first conviction shall be liable to a penalty not exceeding one hundred pounds, and in default of payment to be imprisoned for any term not exceeding nine months with or without hard labour, and for every subsequent conviction to be imprisoned for any term not exceeding nine months with or without hard labour.

III. Every person who induces or attempts to induce or directs or solicits any other person to smuggle or to bring into or land at any port or place within these islands any goods without paying the duties of customs which may be payable by law, shall be guilty of an offence punishable on summary conviction, and on a first conviction shall be liable to a penalty not exceeding one hundred pounds, and in default of payment to be imprisoned for any term not exceeding nine months with or without hard labour, and for every subsequent conviction to be imprisoned for any term not exceeding nine months with or without hard labour.

Penalty for inducing or attempting to induce other persons to smuggle.

IV. Any person convicted under this Act shall have the right of appeal according to the provisions of the "Summary Jurisdiction Act, 1880."

Right of appeal.

No. 10.

60 Vic. c. 19. *An Act to amend "The Revenue Consolidation Act 1873."* (Assented to 20th May, 1897.)

I. This Act may be cited for all purposes as the "Revenue Consolidation Act, 1873, Amendment Act, 1897."

Short title.

II. Where the words "principal Act" are used in this Act the same shall mean and refer to the "Revenue Consolidation Act, 1873."

Meaning of "principal Act."

III. No ship or boat shall be liable to forfeiture under the principal Act for any violation of the said Act, unless such ship or boat shall be under one hundred and fifty tons burden.

Ship under 150 tons burden liable to forfeiture.

IV. With regard to any ship or boat of or exceeding one hundred and fifty tons burden, which but for this Act would be liable to forfeiture as aforesaid, the following provisions shall apply:

Ship of or exceeding 150 tons burden may be fined by the Receiver-General and Treasurer.

(a.) It shall be lawful for the Receiver-General and Treasurer, subject to appeal to the Governor in Council, to have power to fine any such ship or boat any sum not exceeding fifty pounds in any case where in his opinion a responsible officer (as hereinafter defined) of such ship or boat is implicated, either actually or by neglect.

(b.) For the purpose of enforcing such fine the Receiver-General and Treasurer shall have power to require the deposit in the hands of the chief revenue officer at the port where such ship or boat shall be of such sum not exceeding fifty pounds, as he may think right, pending his ultimate decision, and in default of payment of such deposit, the Receiver-General and Treasurer shall have power to detain the said ship or boat.

Enforcement of fine.

(c.) If in any case the Receiver General and Treasurer shall consider that the fine of fifty pounds aforesaid will not be an adequate penalty against any such ship or boat for the offence committed thereon; it shall be lawful for him to take proceedings before a Justice of the Peace for condemnation of the said ship or boat in a sum not exceeding five hundred pounds at the discretion of such Justice, or such proceedings may be taken by the Receiver-General and Treasurer before the Courts and in manner prescribed by the principal Act and the Acts amending the same. And for this purpose the Receiver-General and Treasurer may as to any ship or boat referred to in this section require the deposit in the hands of the chief revenue officer as aforesaid of a sum not exceeding five hundred pounds to abide the decision of the Court, and in default

In case Receiver-General and Treasurer considers fine inadequate.

Protection of Receiver-General and Treasurer against damages.

Interpretation of certain expressions.

Ship of or exceeding 150 tons burden still liable to forfeiture, for certain purposes.

of payment of such deposit the Receiver-General and Treasurer may detain such ship or boat.

- (d.) No claim shall be made against the Receiver-General and Treasurer for damages in respect of the payment of any deposit or the detention of any ship or boat under this section.

V. The expression "responsible officer" in this Act shall mean and include the master, mates, and engineers of any ship, and in the case of a ship carrying a passenger certificate the purser and chief steward. The expression "neglect" in this Act shall include cases where goods un-owned by any of the crew are discovered in a place or places in which they could not reasonably have been put if the responsible officer or officers having supervision of such place or places had exercised proper care at the time of the loading of the ship or subsequently; and the expression "burden" in this Act shall mean "registered tonnage."

VI. For the purpose of the forfeiture under the principal Act of goods, packages, casks and the like, and the detaining and dealing with persons found or discovered to have been on board any ship or boat liable to forfeiture by the said principal Act, ships or boats of or exceeding one hundred and fifty tons burden shall still be deemed, but for such purposes only, to be ships or boats liable to forfeiture by the said principal Act.

No. 11.

61 Vic. c. 19. *An Act to amend the Act of Assembly, 49 Victoria chapter 18, styled: "An Act to amend the Revenue Consolidation Act, 1873."* (Assented to 31st May, 1898.)

Amends 49 Vic. c. 18,

I. In reading hereafter the second section of the Act of Assembly 49 Victoria, chapter 18, the following words therein shall be omitted, "the twentieth day of April and the twentieth day of August," and the words "the first day of April and the first day of September" inserted and read in lieu thereof.

No. 12.

61 Vic. c. 22. *An Act further to amend "The Magistrates Act, 1896," and for other purposes.* (Assented to 31st May, 1898.)

Matters relating to seizures, where value does not exceed £10, to be dealt with by a Stipendiary and Circuit Magistrate.

Limits jurisdiction of Out-land Magistrates in matters relating to seizures.

Repeal.

V. On and after the passing of this Act in matters relating to seizures under the revenue laws of the colony made in the Island of New Providence where the value of the articles seized does not exceed ten pounds proceedings for condemnation shall be taken before a Stipendiary and Circuit Magistrate, instead of in the Supreme Court.

VI. The jurisdiction of a magistrate on an Out-land in matters relating to seizures under the Revenue Laws of the Colony made within his district, shall be and is hereby limited to cases in which the value of the articles proceeded against does not exceed the sum of ten pounds.

VII. So much of the 190th section of the Revenue Consolidation Act, 1873, as is inconsistent with this Act is hereby repealed.

CLASS II.

EXPORT AND IMPORT TRADE.

No. 1.

4 Vic. c. 32. *An Act for granting certain privileges to Vessels of the Royal Yacht Squadron, arriving within the Bahama Islands.* (February 25th, 1841.)

THAT from and after the passing of this Act all vessels belonging to the Royal Yacht Squadron, not having cargoes on board, shall be permitted to enter the several ports within this colony, and again to depart therefrom, free and exempt from all tonnage duties, light money, or other harbour or port dues whatsoever, save and except such pilotage fees as shall be actually earned by any pilot within these islands for services rendered to any such vessel, and without being required to enter or clear out at any Custom House within the same: Provided always, that to entitle a vessel to the privileges of this Act, the master or commander of such vessel must produce to the principal officer of the Customs, at the port at which such vessel shall arrive, the Admiralty warrant, authorising such vessel to wear the Saint George's ensign.

The Royal Yacht Squadron exempted from tonnage fees.

Proviso.

No. 2.

11 Vic. c. 6. *An Act for protecting in the Bahamas the Rights of British Authors.* (March 22nd, 1848.)

I. That there shall be levied and paid on the importation into this colony of the reprint, in any foreign country or place, of any book or dramatic piece, the proprietorship of the copyright of which shall have been duly entered in Stationer's Hall, agreeably to the before-recited Act of Parliament of the fifth and sixth years of your Majesty's reign, and shall also have been duly notified in the manner prescribed in the proviso to the ninth section of the hereinbefore last-mentioned Act, a duty at and after the rate of twenty pounds per centum on the value of the publisher's wholesale price of such reprint, at the place from whence the same shall have been imported into this colony.

Duty of £20 per £100 on value of publisher's wholesale price to be levied on the importation of re-published works of protected British authors abroad on importation in the Bahamas.

II. That the duty hereby imposed on the said reprinted works shall be collected and received by your Majesty's Receiver-General and Treasurer in and for these islands, his lawful deputies or other colonial receivers, who shall furnish quarterly to the Governor a schedule, containing a return of all duties received by him on the importation of reprints of any such registered book or dramatic piece.

Duty here collected.

III. That it shall be lawful for the proprietor of any such registered book or dramatic piece to apply to the Governor for payment of nine-tenths of the amount of duty collected under this Act, on the importation into this colony of the reprint of any book or dramatic piece, liable to duty under this Act, of which such applicant shall be the registered proprietor, or the registered assignee of such proprietor, and it shall be lawful for the Governor in Council, and he is hereby required on being satisfied of the correctness of such application, to grant his warrant on the Treasury in favour of such proprietor or assignee, as the case may be, for nine-tenths of the amount of duties that may have been collected under this Act, on the importation of such reprinted book or dramatic piece.

Proportion of payable to proprietors of copyright.

No. 3.

30 Vic. c. 19. *An Act to encourage Trade within the Bahama Islands.* (Assented to 13th May, 1867.)

Whalers may land and reship their cargoes free of port-charges, except pilotage.

I. All vessels engaged in whale fishery shall have the privilege of landing and reshipping their cargoes of oil and bone at any warehousing port within the colony; and of purchasing their stores in bond or duty paid, free of all port-charges except pilotage. And any vessel or vessels by which said cargoes may be transhipped shall, in like manner be exempt from all port-charges, as aforesaid, provided they take no additional cargo, subjecting them by law to pay tonnage-dues.

Port-charges not to be paid by any import company with capital of £50,000.

II. That any company which may be duly registered under the Companies' Act of 1866, with a capital of not less than fifty thousand pounds for the purpose of carrying on an import and export trade at any warehousing port of the colony, shall have the privilege of importing entire cargoes, to be entered in bond for the purpose of reshipment for exportation, without the vessels in which such cargoes are imported, or those in which they may be shipped for exportation, being subjected to the payment of tonnage-dues, or any port-charges other than pilotage: Provided that if any cargo, or any part of a cargo, which may have been so imported, shall be at any time afterwards taken out of bond for consumption in the colony, that then and in every such case, the importing company shall be liable to, and shall pay all such dues and charges as they may previously have claimed, and been allowed exemption from, in respect to the vessel in which such particular cargo or part of a cargo was imported.

Proviso.

Privilege of steam-packet companies.

III. That any steam-packet company, establishing a dépôt at any island of this Government, shall have the privilege of bonding goods or transshipping goods from any of their vessels to another without being subject to any warehousing tax, and all vessels bringing coal for the use of the steamships of the said company, or merchandize for transshipment on board any such steamship, shall be exempted from all tonnage dues.*

No. 4.

33 Vic. c. 4. *An Act to regulate the disposal of Wrecked Property.* (Assented to 29th January, 1870.)

Conditions under which wrecked property may be disposed of.

I. That no property wrecked or cast away within the limits of the Bahama Islands, or brought into any port or place within such limits, as forming or having formed cargo or part cargo of any vessel arriving in distress, within any port or place aforesaid, shall be sold or otherwise disposed of, at any port or place within the Bahama Islands, except under the circumstances hereinafter set forth, that is to say:—

First, when certified to be perishable by surveyors.

1st. When the property is in a perishable state, and shall be so certified by three sworn surveyors, one of whom shall be, in the case of Nassau, a person appointed by the Governor, who shall be entitled to receive the fees usually charged for the survey of wrecked goods; and in the case of an Out-island, the chief revenue officer for the district within which the said property has been wrecked, cast away, or brought to, as aforesaid, and the others shall be appointed, one by the master, if

* Limited to entire cargoes by 41 Vic. c. 2.

present, and the other by the salvors, and if there are no salvors, then both of such surveyors shall be appointed by the master, and if there is no master, then both of such surveyors shall be named by the salvors.

- 2nd. When the sale is ordered by the owners or underwriters of the property, or by an attorney, or agent [other than the master] duly authorised or appointed by such owners or underwriters: Provided, however, that nothing herein contained shall prevent the master from acting as such attorney or agent for owners or underwriters, when specially authorised by them in writing so to do.

Second, when ordered by owners, underwriters, &c.

OR

- 3rd. When the sale is ordered by a Court of competent jurisdiction.

And no title or right of possession shall vest in or pass to any purchaser in respect of any property sold or disposed of in contravention of this provision.

Third, when ordered by a Court.

II. And for enforcing the provisions of this Act, it shall be the duty of the Receiver-General and Treasurer, and of the resident and assistant-resident justices within their respective districts, and they are hereby authorised and empowered to seize and take possession of all property sold or attempted to be sold in contravention of this Act, and to hold and retain possession thereof until claimed by the owner or owners, underwriter or underwriters thereof, or his or their duly-authorised attorney or agent, or until the same shall otherwise lawfully be taken out of the possession of the Receiver-General and Treasurer, or of the resident or assistant resident justice seizing the same.

Power of Receiver-General, resident and assistant resident justices to enforce this Act.

III. That the word "property" as used in this Act, shall comprise not only cargo, but the hulls and other materials of vessels: Provided, that this shall not be construed to mean the hulls and materials of vessels which may be totally wrecked.

Defines the word "property."

No. 5.

35 Vic. c. 14. *An Act to regulate the mode of ascertaining the Tonnage of Vessels liable to the payment of Tonnage Dues.* (Assented to 23rd May, 1872.)

I. All duties of tonnage levied in this colony shall, in the case of British vessels, be ascertained by the registers of such vessels, and with respect to foreign vessels, except as hereinafter excepted, by the actual measurement of such vessels to be made according to the rules prescribed by the Merchant Shipping Act, 1854, or by any other Act of the Imperial Parliament for the measurement of the tonnage of British vessels: Provided always that the measurement of vessels of the United States of America, the measurement whereof shall, after the first day of January, 1865, have been denoted in the registers or other national papers of such vessels, and the vessels of Denmark, the certificates of Danish nationality and registry of which are dated on and after the first day of October, 1867, as also the vessels of any other nation which may hereafter be declared by order of Her Majesty in Council to have adopted the rules concerning the measurement of tonnage for the time being in force under the Merchant Shipping Act, 1854, or other Act as aforesaid, shall be exempted from actual measurement under this Act.

Duties of tonnage to be ascertained in cases of British vessels from register, and foreign by "Merchant Shipping Act, 1854." Proviso.

II. When any foreign vessel liable to tonnage dues, not being a vessel coming within the meaning of the preceding proviso, shall arrive at any port of entry in the colony, it shall be lawful for the proper officer at such port to proceed on board of such vessel and to measure and

Authorises in a certain event proper officer to board foreign vessels and measure their ton-

nage in accordance with the Merchant Shipping Act.
Proviso.

ascertain her tonnage according to the rules prescribed by the Merchant Shipping Act, or other Act aforesaid, for the measurement of British vessels, and all duties of tonnage shall be levied on the tonnage of such vessel as ascertained by such measurement: Provided always that if the master of any such foreign vessel shall produce to the chief revenue officer at the port at which such vessel shall enter a certificate showing that such vessel has been measured in the United Kingdom, or in any British colony or possession, then and in either of such cases the measurement stated in such certificate shall be accepted as the measurement on which tonnage duty is to be levied.

Fees, &c., to be a charge against the vessel.

III. The fees and expenses of measurement under this Act shall be a charge on the vessel in respect of which they are incurred, and it shall be lawful to withhold the outward clearance of any such vessel until such fees and expenses are paid by the master or consignee.

No. 6.

38 Vic. c. 23. *An Act to provide for and regulate the levying of Light Dues on Vessels entering the Harbour of Nassau.* (Assented to 16th April, 1875.)

PREAMBLE.

WHEREAS the maintenance of the Hog Island lighthouse is exclusively for the benefit of vessels using the harbour of Nassau, and it is desirable that the expenses incident thereto should be contributed to by such vessels; May it, &c.:

Light duty imposed.

I. That from and after the passing of this Act there shall be imposed and levied on all vessels, save and except those hereinafter excepted, arriving at the port of Nassau from any port or place without the limits of the colony, a light duty at and after the rate of three pence for each and every ton of the registered tonnage of such vessels.

Payment enforced.

II. The duty by this Act imposed shall be collected and the payment thereof enforced under the provisions of the Revenue Consolidated Laws, 18/3, and such duties when received shall be applied towards the support of Her Majesty's Government in the colony in the same and the like manner as other general revenue is appropriated and applied.

Exemptions.

III. The following vessels shall be exempted from the payment of the duty by this Act imposed, viz.:

Ships of war.

Vessels employed in the service of the Board of Trade.

Vessels employed under contract with the Bahama Government in the conveyance of mails.

Vessels belonging to the Royal Yacht Squadron.

Vessels exclusively engaged in turtling, sponging or fishing.

Vessels engaged in pleasuring only.*

No. 7.

39 Vic. c. 18. *An Act to encourage the establishment of Manufactories within these Islands for preserving and packing Fruit and other Articles of Colonial production.* (Assented to 2nd March, 1876.)

PREAMBLE.

WHEREAS the establishment within these Islands of Manufactories for preserving and packing fruit, and other articles of colonial production, is calculated to be beneficial to the colony, and it is there-

* See further exemption by 53 Vic. c. 26.

fore desirable to make such provision as will offer facilities and inducements to persons who may be desirous of entering into undertakings of that description; May it, &c.:

I. From and after the passing of this Act, it shall be lawful for any person or persons, who may be desirous of establishing within these islands a manufactory for preserving, packing, and exporting pine-apples, and other fruits and articles, the growth and production of the colony, to import into the colony, or take out of bond at any warehousing port therein, without payment of import duties, any quantity or quantities of the several articles in the Schedule to this Act specified, which may from time to time be required by him, or them, for establishing and carrying on the business of preservers and packers of fruit within these islands. *Provided always*, that all articles so imported, or taken out of bond, shall be duly entered at the revenue department at the port where such manufactory is established, and every person or persons shall, on every such entry, before any permit or sufferance for the landing or delivery of any such articles is given, enter into bond in a form to be prescribed by the chief revenue officer at such port, with two good and sufficient sureties, in double the amount of any duties which would ordinarily attach on importation of the said articles, with condition under written to the effect that such articles shall not be used or applied for or towards any other use or uses, purpose or purposes whatever than the use and purpose of the said parties as preservers and packers of fruit and other articles as hereinbefore provided for. And if any articles in respect of which any such bond shall be given as aforesaid, shall be used or applied to any other use or purpose than those set forth in such bond, the same shall be forfeited, and shall and may be seized and proceeded against in the same and the like manner as other goods liable to forfeiture, and in addition thereto the bond shall be put in suit and the penalty thereof recovered as stipulated damages.

Offers certain privileges to any person who may engage in preserving and exporting fruit, &c.

Proviso.

Bond to be given.

Goods liable to forfeiture.

Bond may be put in suit.

II. All articles preserved and packed by the said parties as provided for by this Act, together with the cases in which the same are packed, shall and may be exported from the colony free and exempt from any export duty whatever; and all vessels engaged in taking away the same shall be exempted from the payment of tonnage duty. *Provided*, that there shall not be on board of any such vessel at the time of her departure, any articles of cargo other than articles preserved and packed as aforesaid.

Exemption from export and tonnage duty.

Proviso.

III. All vessels arriving at any port within these islands, with an entire cargo consisting of materials for building sheds, or factories, and articles to be used in any manufactory established under this Act, shall be exempted from the payment of any inward tonnage or light dues.

Exemption from inward tonnage and light dues.

IV. The several officers of the revenue department of the colony shall have free access at all reasonable times to all buildings, yards, or other premises which may be used by any person or persons under the provision of this Act, for preserving and packing fruit, and other articles as aforesaid, or for storing any of the articles to be used by them for the preserving and packing as aforesaid, and it shall be lawful for such officers, at all reasonable times, to enter such buildings, yards, and other premises, and to stay, and remain therein, and to have free access to every part or parts of such buildings, yards, and other premises, as they may require for the purpose of ascertaining whether the several articles authorised by this Act to be admitted duty free, have been, or are in the course of being duly used and applied to the uses and purposes for which they may have been respectively imported or taken out of bond.

Revenue officers to have free access to all parts of preserving and packing establishments.

V. This Act shall remain in force for a period of ten years from the passing thereof.*

Duration.

Repeal.

VI. The following Acts shall be and the same are hereby repealed,
35 Vic. c. 8, 36 Vic. c. 13.

SCHEDULE.

Materials and
implements.Sundries used in
making cans,
boxes, &c., for
preserving and
exporting fruit,
&c.

Machinery, tools, implements and other materials necessary in making cans and packing fruit, and other articles of colonial production.

Sugar for making syrup, boxes of tin plate for cans, pigs of tin, and lead for solder, solder, empty cans and cases, carboys muriatic acid for fixing solder, barrels rosin for fluxing solder, scrap zinc for modifying muriatic acid, lubricating oil for machinery, presses with sets of dies, squaring shears for cutting tin into various parts of cans, sets of rollers for forming cans, pairs soldering iron with extra handles, vices and files for dressing irons, firepots for heating irons, tinnern's seaming blocks, tinnern's floting stoves, tinnern's floting plates (iron) for soldering cans, anvils with hammers and wrenches, capping machines, wheelbarrows and shovels, process tanks and crane for same, steam boiler with steam pumps, pipes and fittings, baskets and boxes for handling cans and pines, iron cages for cans during process, kegs, nails, lumber, shingles, bundles galvanized iron for fitting up, solder moulds, solder kettles for making and moulding solder.

No. 8.

40 Vic. c. 7. *An Act to consolidate the Laws regulating the levying of Export Duty.* (Assented to 27th March, 1877.)

Export duty on
guano and other
earths.

I. There shall be levied and paid to the use of Her Majesty, her heirs and successors, towards the support of the Government of these islands, an export duty at and after the rate of two shillings per ton, on all guano, cave or other earths which may be hereafter exported from these islands.

Where the actual
quantity shipped
can be ascer-
tained, duty
must be paid on
it; when other-
wise, according
to the tonnage of
the vessel in
which it is ex-
ported.

II. Where the actual quantity of guano, cave or other earths shipped on board of any vessels for exportation from the colony can be ascertained and shown to the satisfaction of the proper revenue officer of the port at which such vessel shall be cleared, the duty imposed by this Act shall be levied and collected on such ascertained quantity, but where the quantity so shipped cannot be so ascertained and shown to the satisfaction of the said revenue officer, then, and in such case only, the registered tonnage of any vessel in which such guano, or other earths as aforesaid, shall be exported, shall be taken to be the number of tons of guano or earths exported in such vessels, whether the quantity actually taken on board be in excess of or less than such registered tonnage.

Export duty of
1½ per cent. to be
paid upon certain
articles.

III. There shall be levied and paid upon the exportation to any port or place without the limits of the Government, of all articles (except as hereinafter mentioned) which have been brought or imported into any port within the colony from beyond the limits thereof, and upon which no duties other than warehouse duty, auction tax, or auction duty, shall have been levied and paid upon the original entry, or importation thereof, an export duty of one and a half per centum on the value thereof.*

Duty to be paid
by consignee or
agent.

IV. That such duty as last aforesaid shall be paid by the original consignee or agent of such articles before the vessel in which they are shipped for exportation shall leave the port, and if not so paid, may be

* Articles regularly imported not liable on exportation. See 47 Vic. c. 12.

recovered from such consignee or agent in an action of debt, at the suit of the officer to whom the same is by this Act made payable in any Court having jurisdiction to the amount, and it shall also be lawful for such officer to detain, and refuse to clear out the vessel in which such articles are intended to be exported until such duty is paid.

How to be recovered.

V. That export duty shall not be levied under this Act on any cargo of any vessel which may arrive at or put into any port of the colony in distress.

Exemption from duty.

VI. The articles specified in the following table of exemptions shall be exported without the payment of any export duty.

Articles exempt from duty.

TABLE OF EXEMPTIONS.

Articles which have been imported for the Colonial Service and Imperial Lighthouse Service, and exported by the Government; articles which have been imported for the use and accommodation of any officer of Her Majesty's Army and Navy on full pay and doing duty within these islands, and exported by such officer; articles of every description which may be exported by the Governor or Officer administering the Government; passengers' baggage, turtle, woods, such as brazilletto, cedar, fustic, lignum-vitæ, satin, logwood, mahogany and ebony, old iron, old copper and brass, specie, old rags, old junk.

List.

VII. The duties by this Act imposed shall be collected and received by the proper officers of the revenue department, and the payment thereof enforced under the provisions of the Revenue Consolidated Act, 1873.

Collectors of duty.

IX. This Act may be cited as "The Export Duty Act, 1877."

Name.

The following Acts and parts of Acts shall be and the same are hereby repealed: First, Thirteenth and Fifteenth Sections, 22 Victoria, chapter 25, 38 Victoria, chapter 35, and 39 Victoria, chapter 2.

Repeal.

No. 9.

41 Vic. c. 2. *An Act to amend the Act 30 Vic. c. 19, entitled "An Act to encourage Trade within the Bahama Islands."* (Assented to 14th March, 1878.)

WHEREAS by the third section of the Act passed in the 30th year of Her Majesty's reign entitled "An Act to encourage trade within the Bahama Islands," it is enacted "that vessels bringing coal for the use of steamships" therein referred to, or "merchandize for transhipment on board any such steamships shall be exempted from all tonnage dues." And whereas it is expedient that such exemption should not extend to vessels bringing part cargoes of coal, or part cargoes of merchandize for transhipment with other cargo. May it, &c.

PREAMBLE.

I. Vessels only which may bring entire cargoes of coal for the use of the said steamships, and merchandize for transhipment on board such ships, or entire cargoes of coal or merchandize as aforesaid, shall be exempted from tonnage duties under the said section, anything therein contained to the contrary notwithstanding.

Entire cargoes of coal, to exempt vessels from tonnage duties.

II. Repealed by 43 Vic. c. 2.

No. 10.

43 Vic. c. 3. *An Act to consolidate and continue the Laws regulating the levying of Tonnage Dues.* (Assented to 2nd April, 1880.)

Tonnage rates
imposed by this
Act on arrival of
vessels.

I. From and after the commencement of this Act, and during its continuance, the following rates of tonnage shall be imposed, levied and paid on vessels, except such as are hereinafter excepted, arriving at any port within these islands from any port or place without the limits of this Government, and on goods imported in such vessel, that is to say:

On every vessel arriving with cargo intended to be discharged within the colony, and exceeding in measurement or weight one half of the tonnage of the vessel, one shilling for each and every ton of the proper measurement of such vessel.

On every vessel arriving wholly or only partially laden, and from which any portion of the cargo, not exceeding in measurement or weight one-half of the tonnage of the vessel, is intended to be discharged within the colony, one penny for each and every ton of the ascertained tonnage of such vessel, and one shilling per ton measurement or weight of the goods landed from such vessel.

On every vessel arriving in ballast or with cargo not intended to be discharged within the colony, one penny for each and every ton of the proper measurement of the vessel.

Proviso.

Provided that the following vessels shall be excepted, and exempted from the payment of the tonnage dues by this section imposed, that is to say:

EXEMPTIONS.

Exemptions.

All vessels of war, transports and other vessels employed solely on Government service.

All vessels employed under contract with the Bahama Government in the conveyance of mails.

Vessels exclusively engaged in turtling, sponging, or fishing.

Vessels employed in pleasuring only.

Tonnage imposed
on vessels clear-
ing from any port
in the colony.

II. From and after the commencement of this Act, and during its continuance, the following rates of tonnage shall be imposed, levied and paid on vessels, except such as are hereinafter excepted, clearing from any port of the colony for any port or place without the limits of the Government, and on goods exported in such vessels, that is to say:

On every vessel clearing with outward cargo laden within the colony, other than salt or fruit, exceeding one half of the ascertained tonnage of the vessel, one shilling for each and every ton of the proper measurement of such vessel.

On every vessel clearing with outward cargo laden within the colony, other than salt or fruit, not exceeding in measurement or weight one half of the ascertained tonnage of the vessel, and whether any portion of the inward cargo is still laden on board or not, one penny for each and every ton of the proper tonnage of such vessel, and one shilling per ton measurement or weight of the goods so shipped or exported.

On every vessel clearing in ballast, or with salt or fruit, or salt and fruit, and with or without any portion of her inward cargo still being laden on board, one penny for each and every ton of the proper measurement of such vessel.

EXEMPTIONS.

Exemptions.

All vessels of war, transports and other vessels employed solely in Government service.

All vessels employed under contract with the Bahama Government in the conveyance of mails.

Vessels exclusively engaged in turtling, sponging or fishing.

Vessels employed in pleasuring only.

All vessels arriving in the colony with cargo and departing thence with the same inward cargo, without taking on board any other cargo, the inward tonnage duty on such vessels having been paid.

III. In the measurement of goods eight flour barrels shall be computed as equal to one ton, or forty cubic feet, and other articles or packages shall be computed in like proportion, or by the ton weight in the case of metals or other heavy articles for which freight by weight is usually charged.

Measurement,
how computed.

IV. The word "fruit" as used herein shall not be construed to include or comprise preserved fruits of any description.

"Fruit" con-
strued.

V. The duties of this Act imposed shall be collected and received by the proper officers of the revenue department of the colony, and the collection thereof shall be enforced under the powers of the law for the time being in force for regulating the trade of the Bahama Islands; and such duties when received shall be applied towards the support of Her Majesty's Government in the colony as may be provided for by any Act or Acts of the General Assembly of these islands now or hereafter to be in force.

Duties collected
and applied.

VI. This Act may for all purposes be cited as the "Tonnage Act, 1880."

Short title.

VII. This Act shall continue in force for five years, and from thence to the end of the then next session of Assembly, during which period the Act of Assembly of the thirty-second year of Her Majesty's reign, chapter twenty-two shall be suspended.*

Duration.

No. 11.

43 Vic. c. 4. *An Act to continue in force certain sections of the Act 27 Victoria, chapter 17, entitled "An Act for raising an additional revenue for the support of the Government of the Bahama Islands."* (Assented to 2nd April, 1880.)

I. That there shall be imposed and paid into the Public Treasury of these islands a duty of one shilling per ton in addition to any other duty for each and every ton of the registered tonnage of each and every vessel for which a British register shall be obtained at the port of Nassau. Provided that vessels built in these Islands or previously registered at the port of Nassau shall be exempt from this duty.

Tonnage duty on
registration of
vessels.

II. That there shall be levied and paid upon the importation of all articles entered for warehousing an *ad valorem* duty of one half per cent.

Ad valorem duty
for warehousing.

III. That the duties aforesaid shall be collected and received by the proper officers of the revenue department, and their collection shall be enforced under the provisions of the laws now in force regulating the trade of the Bahama Islands and the department of the Receiver-General and Treasurer, and shall be applied in aid of the support of the Government of the colony, as provided for by any Act of the General Assembly of the Bahama Islands, and not otherwise.

Duties collected
and applied.

IV. That this Act shall continue in force for five years and from thence to the end of the then next session of Assembly.†

Duration.

* Further continued by 61 Vic. c. 18.

† See footnote to Act 43 Vic. c. 3.

No. 12.

43 Vic. c. 5. *An Act to encourage Steam Communication with the Government of the Bahamas.* (Assented to 2nd April, 1880.)

Title.

I. This Act may be shortly cited as the "Tonnage Amendment Act, 1880."

Steamers exempted from tonnage dues.

II. All steamers calling at the port of Nassau or any other port within the colony shall be exempted from the payment of tonnage dues.*

No. 13.

46 Vic. c. 2. *An Act to prohibit the importation into these Islands of Dredges, or other Machines capable of being used as such which may be employed in gathering Sponge.* (Assented to 12th August, 1882.)

PREAMBLE.

WHEREAS it is desirable that measures should be adopted to prevent the importation into these islands of dredges or other machines capable of being used as such, which may be employed in gathering sponge in the waters of these islands. May it, &c.

Importation of dredges prohibited.

I. After the passing of this Act no person shall import into this colony any dredge or machine capable of being used as such, except as hereinafter provided for.

Penalty on importation of dredge.

II. Any person who shall import any dredge, or machine capable of being used as such, in contravention of the foregoing section, except as hereinafter excepted, shall be liable to a penalty of twenty pounds for such offence; and the dredge or machine so imported shall be forfeited.

Recovery and appropriation of penalties.

III. All penalties imposed by this Act shall be recovered in the General Court of these islands, by suit or action to be commenced or prosecuted in the name of the Receiver-General and Treasurer of the colony, in which action no imparlance shall be allowed; and all monies recovered by virtue of this Act, shall be paid into the Public Treasury in aid of the expenses of this Government.

Vessels forfeited,

IV. All vessels or boats used in the importation of any dredge, or machine capable of being used as such, liable to forfeiture under this Act, shall be forfeited.

Who may seize vessels and boats, and manner of procedure.

V. All vessels and boats liable to forfeiture under this Act, shall and may be seized by any officer or officers of the revenue department of these islands; and, when so seized, shall be dealt with, proceeded against and condemned in the same manner, and in all respects as vessels and boats liable to forfeiture under the Revenue Consolidation Act, 1873, are dealt with, proceeded against and condemned; and for the purposes of this Act, all the provisions of the said Revenue Consolidation Act, 1873, relating to the mode of seizure, the manner of dealing with vessels and boats after seizure, the proceedings for condemnation, and the condemnation thereof, shall apply and be adopted as if a seizure under this Act had been made under the said Revenue Consolidation Act, 1873.

Governor may grant permission to import dredges for certain purposes.

VI. Notwithstanding any thing herein-before contained, it shall be lawful for the Governor, acting by and with the advice of the Executive Council, to authorise the Receiver-General and Treasurer to grant per-

* See footnote to Act 43 Vic. c. 3.

mission in writing to any person to import any dredge or machine capable of being used as such, which is intended to be employed for purposes other than the gathering of sponge, upon and subject to such conditions and restrictions as may be imposed by the Governor, acting by and with the advice of the said Executive Council.

No. 14.

47 Vic. c. 12. *An Act to amend "The Export Duty Act, 1877."*
(Assented to 14th May, 1884.)

I. On the passing of this Act the third section of "The Export Duty Act, 1877," shall not be held and construed to apply to articles which have been regularly imported into the colony and subsequently exported therefrom.

Explains third section of "Export Duty Act, 1877."

No. 15.

49 Vic. c. 2. *An Act to extend the provisions of the Act 4 Vic. c. 32 to Yachts other than those belonging to the Royal Yacht Squadron and for other purposes.* (Assented to 30th March, 1886.)

WHEREAS in consequence of the increased number of yacht clubs in England since the passing of the Act 4 Vic. c. 32, and the frequency with which these islands are visited by vessels belonging to yacht clubs in other countries, it is desirable to extend the provisions of the said Act; May it, &c.:

PREAMBLE.

I. On the passing of this Act the provisions of the Act 4 Vic. c. 32, shall extend and apply to all yachts arriving within these islands. Provided always that to entitle a vessel other than an English yacht to the privileges of the said Act, and of this Act, the master or commander thereof shall produce to the chief revenue officer at the port at which such vessel shall arrive, the commission or other document issued by the proper authority of the foreign nation to which such yacht belongs under which such vessel is identified and recognized as a yacht of such nation.

Certain privileges extended to yachts.

II. Where any yacht arriving within these islands, and entitled to the privileges of the aforesaid Act of Assembly, 4 Vic. c. 32, shall have on board any stores, provisions, liquors, sails, or other materials for the use of and belonging to the said vessel, which the owner or master thereof may deem it necessary to land, but with the intention of taking the same on board again, it shall be lawful for the Receiver-General and Treasurer under such regulations as he may consider necessary with respect thereto relative to entering and clearing the same, to allow such stores, provisions, liquors, sails, and other materials to be landed and warehoused, and to be removed and taken from such warehouse for consumption and use on board of any such vessel, without the payment of any taxes or charges of any kind whatsoever, anything in any Act of Assembly to the contrary notwithstanding.

Stores may be landed under regulations.

No. 16.

50 Vic. c. 12. *An Act to encourage the building and keeping of Hotels.* (Assented to 6th May, 1887.)

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| Things to be done. | I. When any person has imported or taken out of bond any materials for the purpose of using the same in the building of a hotel, he shall, upon entry thereof do the following things :— |
| Declaration. | (a.) Make a declaration before the chief revenue officer of the port that the same are intended to be used in the building of a hotel. |
| Pay duties. | (b.) Pay the duties thereon if under five pounds; if over that amount enter into a bond hereafter called "The Duty Bond," for the payment of all duties on such materials in the same manner as importers of goods are now required to do by the 79th Sec. of the Revenue Consolidation Act, 1873, the time in such bond for payment of duties being, however, limited to twelve months instead of "one," as set out in the Section referred to. |
| Bond. | |
| Cancellation of bond. | II. It shall be lawful for the Governor in Council to direct the Receiver-General and Treasurer to cancel any duty bond entered into under this Act. |
| Conditions. | III. Such order of cancellation of any duty bond shall only be issued after the Governor in Council has been satisfied that the following conditions have been observed by the party making application to have any bond cancelled, that is to say : |
| Certificate. | (c.) Has produced to and deposited with the Receiver-General and Treasurer a certificate from the civil engineer of the colony, to the effect that a hotel has been erected by such party of sufficient capacity to accommodate thirty guests. |
| Materials. | (d.) Has also produced to and deposited with the said Receiver General and Treasurer a declaration made by such party before a Justice of the Peace, that the materials imported by him, or taken out of bond, or a part thereof, as the case may be, the duties upon which have been secured by the duty bond, have been actually used in the building of the hotel mentioned in the certificate of the civil engineer. |
| Duties. | (e.) Has paid the duties upon any part of such materials which may not have been used in the building of the said hotel. |
| Bond. | (f.) Has entered into his personal bond to Her Majesty, Her heirs and successors, in the amount of the duties payable under the duty bond, conditioned for the payment of the amount of such duties, in case the said hotel so erected by him shall be used for or put to any other purpose whatsoever than that of a hotel for the period of two years from the date when such hotel has been first opened for the reception of guests, the date of such opening to be duly notified in writing by the said party to the Receiver-General and Treasurer.* |
| Time. | |
| Bond enforced. | IV. Unless a duty bond under this Act be cancelled within three months after the same has become due, payment of the same may be enforced by the Receiver-General, except otherwise directed, under the next following section. |

* The word "two" in this sub-section changed to "five" by 62 Vic. c. 22, which continues the Act in force.

V. It shall be lawful for the Governor in Council to direct the Receiver-General and Treasurer to abstain from enforcing any duty bond for such time as may be decided upon in Council.

VI. The second section of the Act of Assembly 29 Vic. c. 4, shall apply to any false declaration made under this Act.

VII. The Act 42 Vic. c. 2 is hereby repealed.

VIII. This Act shall continue in force for five years from the passing hereof, and from thence to the end of the then next session of Assembly.

Bond not enforced.

False declaration.

Repeal.

Duration.

No. 17.

52 Vic. c. 25. *An Act to prohibit the exportation of Fibrous Plants.*
(Assented to 23rd May, 1889.)

I. From and after the passing of this Act it shall not be lawful for any person to export from these islands any sisal plant, or other plant exclusively used in the production of fibre.

Unlawful to export sisal or other fibrous plants.

II. If any sisal plant, or other plant exclusively used in the production of fibre, so prohibited to be exported, shall be exported from these islands, or be waterborne to be so exported, they shall be forfeited, together with the vessel or boat in which they may have been exported or waterborne to be exported, and every person concerned or engaged in such exportation shall be liable to a penalty of ten pounds.

Penalty for exporting.

III. All plants, vessels, and boats liable to forfeiture under this Act, shall and may be seized and dealt with under the one hundred and eightieth section of "The Revenue Consolidation Act, 1873."

Plants, vessels, and boats liable to forfeiture, how dealt with.

IV. All proceedings for recovering any penalty or forfeiture imposed under this Act shall and may be taken under the provisions of "The Revenue Consolidation Act, 1873."

Penalties, how recovered.

No. 18.

55 Vic. c. 18. *An Act for the further encouragement of Trade within these Islands.* (Assented to 8th April, 1892.)

I. All vessels arriving at the port of Nassau for the purpose of receiving orders, or of communicating with abroad, shall be exempted from all port charges whatever, pilotage excepted.

Vessels arriving at the port of Nassau for orders, &c., exempt from port charges,

The remaining sections of this Act, II. and III., deal with pilotage only. See Act *in extenso*, post this Part, Class VI., No. 13.

No. 19.

56 Vic. c. 14. *An Act to amend the 52nd Victoria, chapter 25, entitled "An Act to prohibit the exportation of Fibrous Plants."* (Assented to 7th June, 1893.)

I. In reading hereafter the first section of the Act 52 Vic. c. 25, the words "and for the period of three years thereafter" shall be omitted.

Amends.

No. 20.

56 Vic. c. 17. *An Act exempting certain Articles herein mentioned from the payment of Import Duty.* (Assented to 7th June, 1893.)

Official goods and supplies for the use of Foreign Consulates may be exempted from the payment of import duty.

I. Whenever it is shown to the satisfaction of the Governor that any foreign power has accorded to the British Consular officers within its dominions the privilege of exemption from the payment of any duties upon official goods and supplies imported for the use of their Consulates, it shall be lawful for the Governor, by Order in Council, to declare and direct that all official goods and supplies imported into the colony for the use of the Consulates within these islands of any such power, shall be exempted from the payment of any duties whatever on their importation.

Free entries.

II. Upon the issuing of such order such goods shall be exempted from the payment of such duties, and all revenue officers of the colony are hereby required to accept and receive free entries for the same.

No. 21.

57 Vic. c. 6. *An Act to give further encouragement to the building and keeping of Hotels.* (Assented to 2nd April, 1894.)

Import duties may be remitted on furniture and fittings for hotels.

I. It shall be lawful for the Governor, acting with the advice of the Executive Council, to direct the Receiver-General and Treasurer to remit the payment of all import duties paid, or that may be secured by any bond entered into by any person or persons under "The Revenue Consolidation Act, 1873," and to direct the cancellation of any such bond upon such person or persons submitting to the Governor in Council the following :

Declaration.

(a.) A declaration made before a Justice of the Peace of these islands by such person or persons to the effect that the articles imported by him or them, the duties upon which have been paid or secured by the bond aforesaid, were imported for the purpose of being used in furnishing and fitting up a hotel within these islands, and that the same have been placed in and are then remaining in such hotel as the furniture and fittings thereof.

Certificate.

(b.) A certificate from the civil engineer of the colony that the hotel in which such articles have been placed and then are, affords sufficient accommodation for not less than two hundred guests.

Bond.

and upon such person or persons entering into a bond to Her Majesty the Queen, her heirs and successors, with two good and sufficient sureties to be approved of by the Governor in Council, in such sum to be fixed by the said Governor in Council not exceeding the value of the articles imported, conditioned for making void the said bond upon payment into the Public Treasury of the duty of twenty per centum on the value of any of the furniture or fittings placed in any such hotel which may at any time after the making of the said bond be sold or otherwise disposed of within the colony.

False declarations.

II. The second section of the Act of Assembly, 29 Vic. c. 4, shall apply to any false declaration made under this Act.

Provisions or stores not included.

III. The word "articles" in this Act shall not be held to include provisions or stores of any kind.

Duration of Act.

IV. This Act shall continue in force for ten years from the passing hereof, and from thence to the end of the then next session of Assembly.

No. 22.

57 Vic. c. 8. *An Act to amend the "Revenue Consolidation Act, 1873."* (Assented to 2nd April, 1894.)

I. It shall be lawful for the Governor and Executive Council to remit the amount of any import duties secured or direct the payment out of the Public Treasury of any such duties paid by any person upon such person submitting to the Governor and Council satisfactory proof that the goods and merchandise upon which such duties have been secured or paid do not correspond with the order or orders for the same, forwarded by such person to his agent abroad, and that the said goods have been returned to the place from whence they were imported. *When import duties may be remitted.*
Provided, however, that application for such remission or payment shall be made in writing to the chief officer of revenue at the port into which such goods and merchandise have been imported within six days after the entry for the same has been deposited in the Custom House of such port. *Proviso.*

II. The Act 56 Vic. c. 9, shall be and the same is hereby repealed. *Repeal.*

No. 23.

58 Vic. c. 18. *An Act to consolidate the duties on Imports and certain other Imposts.* (Assented to 6th May, 1895.)

WHEREAS it is desirable that the several Acts regulating the imposition of import duties and certain other imposts should be consolidated with the changes and alterations hereinafter set forth. May it, &c. *PREAMBLE.*

1. From and after the coming into operation of this Act there shall be received, levied, collected, and paid unto Her Majesty, her heirs, and successors, for the support of the Government of the Bahama Islands, upon goods, wares, and merchandise imported or brought into the colony from any port or place without the same, except as hereinafter excepted, the several duties set forth in the subjoined table, that is to say: *Imposes a table of duties.*

TABLE OF DUTIES.*

	Tariff.		
	£	s.	d.
Alcohol, per proof gallon, according to Sykes' hydrometer ..	0	5	0
Ale and porter (in wood) per gallon	0	1	0
Ale and porter (in bottles) quarts per dozen	0	2	0
Apples, per barrel	0	2	6
Beans and peas, per bushel	0	0	6
Biscuit and bread (common), per barrel	0	2	0
Biscuit and bread (fancy), 25 per cent. <i>ad valorem</i> .			
Brandy, per gallon	0	10	0
Butter, 20 per cent. <i>ad valorem</i>			
Cabbages, per 100	0	4	2
Candles, sperm, per 100 lbs.	0	11	0
Candles, tallow, per 100 lbs.	0	6	0
Cattle (cows, bulls, and oxen), each	1	0	0
Cheese, per 100 lbs.	0	12	6
Cider, 25 per cent. <i>ad valorem</i> .			
Oigars, per 100	0	4	2

See 62 Vic. c. 23, *post*, No. 27 of this Class, reducing certain duties in this table.

	£	s.	d.
Cocoa (in bean), per 100 lbs.	0	3	0
Coffee, raw, per 100 lbs.	0	8	0
Coffee, roasted or prepared, per 100 lbs.	0	12	0
Copper and yellow metal in sheets, copper and composition bolts and nails, per 100 lbs.	0	7	6
Corn, per bushel	0	0	6
Corn-meal, per barrel	0	2	0
Dogs, each	0	2	6
Fish, dried or salted, per 100 lbs.	0	4	0
Fish, pickled (salmon, herrings, and all other kinds), 25 per cent. <i>ad valorem</i>			
Flour, wheat and rye, per barrel 3s. and 10 per cent. <i>ad valorem</i>			
Gin, per proof gallon, according to Sykes' hydrometer	0	5	0
Goats, each	0	4	0
Gunpowder, per lb.	0	0	6
Hay, per 100 lbs.	0	1	0
Horses, colts, and fillies, each	1	0	0
Hominy, per barrel	0	2	0
Hulks and materials of vessels, 30 per cent. <i>ad valorem</i>			
Lard, lard compound, and cottolene, per lb.	0	0	1
Lumber, per 1,000 feet	0	10	0
Lumber, dressed or grooved and tongued, per 1,000 feet	0	15	0
Meat, fresh on ice, per 100 lbs.	0	12	0
Meat, salted or cured, per 100 lbs.	0	6	0
Molasses and cane syrup, per gallon	0	0	3
Mules and asses, each	0	10	0
Nails, of iron of all kinds, per 100 lbs.	0	3	0
Oats and bran, per bushel	0	0	6
Oils, kerosene, per gallon	0	0	4
Oils, linseed and other unenumerated, per gallon	0	0	9
Oils, olive, sperm, lard, per gallon	0	1	0
Oils, essential, 25 per cent. <i>ad valorem</i>			
Pitch and tar, per barrel	0	1	3
Potatoes and onions, per barrel	0	2	0
Poultry and game, fresh on ice, per 100 lbs.	0	12	0
Poultry and game, live, 25 per cent. <i>ad valorem</i>			
Rice, per 100 lbs.	0	2	0
Rum, per proof gallon, according to Sykes' hydrometer	0	5	0
For each degree over proof	0	0	$\frac{1}{2}$
Sheep, each	0	4	0
Shingles, Cypress, 4 inches in width at butt, per 1,000	0	2	0
" " 5 inches in width at butt, per 1,000	0	3	0
" " 6 inches in width at butt, per 1,000	0	4	0
Shingles, not Cypress, per 1,000	0	2	0
Soap, common washing, per 100 lbs.	0	6	0
Sugar, unrefined, per 100 lbs.	0	5	6
Sugar, refined, per 100 lbs.	0	12	0
Swine, each	0	4	0
Tea, per lb.	0	1	0
Tobacco, unmanufactured, per lb.	0	0	3
Tobacco, manufactured, other than fine cut, per lb.	0	0	6
Tobacco, manufactured fine cut, 40 per cent. <i>ad valorem</i>			
Turpentine, per barrel	0	1	3
Turpentine, spirits, per gallon	0	0	3
Whisky, per proof gallon, according to Sykes' hydrometer	0	6	0
Whisky, per dozen quarts	0	12	0
Wines of all kinds, 25 per cent. <i>ad valorem</i> , and per gallon	0	2	6

Articles not enumerated except such as are comprised in the Table of Exemptions 25 per cent. *ad valorem*.

Provided always, that articles herein made subject on regular importation to the above *ad valorem* duty, when not originally shipped with the intention of being brought into this colony, however subsequently they may be imported, and when the requisite information for perfect entry of the same as to the cost or value in the country of production, or place at which they were originally shipped cannot be ascertained or obtained shall, in lieu of such duty, be charged a duty of thirty-three and one-third per centum on the value at the port of entry, or on the price that they shall realise at auction, when sold and delivered for consumption therein at the option of the importer, agent, or consignee.

Proviso charging 33 1/3 per cent. on articles brought into the colony by other means than regular importation.

II. That all articles specified in the following Table of Exemptions may be imported without the payment of any duties whatever :

Exemptions.

TABLE OF EXEMPTIONS.*

Table of Exemptions.

Articles imported or supplied out of a bonded warehouse for the Imperial or Colonial Service.

Articles imported or supplied out of a Bonded Warehouse for the use and accommodation of any officer of Her Majesty's Navy on full pay and doing duty within these islands, or who may be serving within these islands in any Imperial Department of Her Majesty's Service upon the production to the Receiver-General or other proper receiver of a certificate signed by the senior naval officer on the station, that the articles claimed as exempt from duty are *bonâ fide* imported or supplied, as the case may be, for the purposes contemplated thereby.

Articles of every description imported or supplied from a bonded warehouse for the use of the Governor or Officer administering the Government.

Calves and foals, bulbs, roots, seeds of all kinds, shrubs, trees, and plants intended to be used for planting, live birds other than poultry and game, bullion, coal, cocoanuts, copper and composition, old, fit only to be re-manufactured, cotton, wool, dye-woods and stuffs, divi-divi, diving apparatus, flax, ice, iron, old, fit only to be re-manufactured, liguum-vitæ, mahogany, manures and fertilisers of all kinds, maps, metalline ores, monumental tablets, oakum, ova of fish, passengers' baggage, scientific instruments and apparatus, cameras and all materials for photographic purposes, materials used by artists and art students in pursuit of their special work, tropical fruits, printed books and pamphlets, provisions and stores of every description imported or supplied from a bonded warehouse for the use of Her Majesty's sea forces, raw hides, specimens of natural history, mineralogy, botany, steam, oil, or gas machines, or engines or any parts thereof of every description and for whatever use intended, steam-fitters' tools, iron, steel and iron rails and sleepers used in the construction of railways or tramways, trucks and all other rolling stock which can only be used on railways or tramways, hydraulic and other power presses for baling purposes, and sleepers used in the construction of railways and tramways, boilers, iron water tanks, mills and parts of mills, machines for sawing lumber, stills, iron piles, cotton gins, tortoise shell, tow, tombstones, railings to be used as grave enclosures, sponge, patent steering machines, spars, windlasses, capstans, ice machines, and all materials used in the manufacture of ice, wire fencing, turtle and fresh fish not preserved in any way, wax, woods, cedar and yellow. All notes imported by the Bank of Nassau to be used in the business of such bank and for circulation within these islands or other-

* See 62 Vic. c. 28, *post*, No. 27 of this Class, adding other articles to this table.

wise. Barrels, half barrels, and packages to be used for packing any article whatever, crate ends and laths, fibre machines and all parts thereof, gasoline, glass bottles, machinery used in the manufacture of rope, naphtha, salt, staves, heads and hoops used in the construction of barrels, half-barrels, and other packages for the packing of any article whatever, launches or boats propelled by machinery, windmill pumps, and any parts thereof, tallow, rosin, caustic soda, potash, palm oil, cocoanut oil, cotton seed oil, electrical apparatus and appliances, metal roofing, crude petroleum, crude vaseline, crude cosmoline, mineral soap stock, palm oil soap stock, cotton seed oil soap stock, talc.

Proviso when certain articles may be brought into the colony otherwise than by regular importation and sold at auction.

Provided always that if metalline ores, raw hides, dye-woods and stuffs, divi-divi, mahogany, lignum-vitæ, cedar and yellow wood, wax, flax, iron, cotton, wool, or tortoise shell, proposed to be exempted from import duties, shall be brought otherwise than by regular importation into any port or place of this colony and sold at public auction, whether such sale shall take place by order of a Court of Law or otherwise, there shall be imposed and paid upon the gross amount of such sales, in addition to any other auction duty chargeable on such sales, an auction duty or tax of five pounds per centum, and the vendue master or officer selling any such goods shall retain such duty of five pounds per centum out of the gross sales of the goods so sold by him, and shall forthwith pay the same over to the Receiver-General and Treasurer or other proper receiver, and if such vendue master or officer shall neglect to retain such duty, or having retained the said duty shall neglect to pay the same over as aforesaid, every such vendue master or officer shall be personally liable therefor, and the same may be recovered against him by action of debt in any Court having jurisdiction to the amount.

Limits the meaning of the words "provisions and stores."

III. That the words "provisions and stores" in the second section of this Act mentioned as being exempted from the payment of duty, when imported for the use of Her Majesty's sea forces, shall not extend or apply to cattle or other live stock imported by any contractor for the supply of fresh meat to Her Majesty's said forces, all which cattle and other live stock shall be liable to the payment of the duties by this Act imposed. And *provided also*, and be it enacted that it shall not be lawful for the Receiver-General and Treasurer or Collector of Revenue, as the case may be, to allow any provisions, spirits or other stores imported or supplied, as aforesaid, for the use of Her Majesty's sea forces, to be landed or taken out of a bonded warehouse as free of duty, except in the name of the purser or other proper naval officer, as the case may be.

Proviso.

Provisions, spirits, or stores rendered liable to duty.

IV. That if any provisions, spirits or other stores as aforesaid, imported or taken out of bond, as for the use of Her Majesty's sea forces, shall be afterwards applied to any other use than the one mentioned in the entry, order of delivery or other document under the authority of which the same were landed or taken out of bond as free of duty, the officer in whose name the same were so landed or taken out of bond, or in case of his death or removal, the officer succeeding him in the same department, shall be liable for all duties due on the same or on such part thereof as shall be so otherwise applied as aforesaid, and the said duties shall be recovered and applied in the same and the like manner as other duties imposed by this Act are directed to be recovered and applied.

Penalty for selling or otherwise disposing of stores or spirits clandestinely.

V. That if any provisions, spirits or other stores so landed, or taken out of bond as aforesaid, shall be clandestinely sold or otherwise disposed of, other than to the use of Her Majesty's sea forces, every person concerned in such clandestine sale or disposal, shall forfeit and pay treble the value of the articles so clandestinely sold or disposed of, and all such articles shall be liable to seizure and condemnation, one moiety of which said forfeiture shall be paid into the Public Treasury towards the

support of this Government, and the other to the person suing for the same, and shall be sued for and recovered in the General Court of these islands.

VI. That there shall be imposed and paid upon the gross amount of sales of all property disposed of at public auction by order of any of the Courts of the colony an auction duty or tax of two pounds per centum; and every officer of the Court selling any such property at public auction as aforesaid shall retain such duty of two pounds per centum out of the gross sales thereof, and shall forthwith pay the same over to the Receiver-General or other proper receiver, and if such officer as aforesaid shall neglect to retain such duty, or having retained the said duty, shall neglect to pay the same over as aforesaid, every such officer shall be personally liable therefor, and the same may be recovered against him by action of debt in any Court having jurisdiction to the amount.

Officers of Court
liable for auction
tax on goods sold
by order of any
Court of the
colony.

VII. There shall be allowed and paid to any person or persons who shall have paid customs duties thereon, a rebate of such customs duties in the following cases:

Rebate.

- (1) Upon all lumber used in the fitting-up of vessels for the reception of native fruit to be exported from the colony, provided that the person claiming such rebate shall produce to the Receiver-General and Treasurer or other proper officer a declaration to be made before a Justice of the Peace by such person, showing the quantity of lumber actually used, and upon which such rebate is claimed.
- (2) Upon all articles supplied and delivered for the use of any Department of Her Majesty's service within these islands, upon the person claiming the same producing to the Receiver-General and Treasurer a certificate from the chief officer of the department to which the same have been supplied, that the articles upon which such rebate of duty is claimed have been *bonâ fide* supplied and delivered for the use of the said department. *Provided, however*, that in the case of articles upon which an *ad valorem* duty has been paid such rebate shall be calculated and allowed on only one half of the contract price for which such articles shall have been supplied and delivered to such department.
- (3) Upon all kerosene oil used as fuel in the working of a steam oil or gas engine, or steam oil or gas engines, a drawback of such customs duties to the extent of 90 per centum. *Provided* that before any such drawback shall be paid the person claiming the same shall produce to the Receiver-General and Treasurer a declaration made before a Justice of the Peace by such person, containing the following particulars, viz.: the number of engines worked by him, the power thereof, the times when used, and the quantities of oil actually consumed in the working thereof for any or either of the purposes herein named and upon which such drawback is claimed.

VIII. There shall be allowed upon the exportation from any of these islands of any cigars manufactured within the colony from tobacco upon which duty has been paid under this Act to any port or place beyond the limits of this Government a drawback of four pence half-penny for every one hundred cigars so manufactured and exported as aforesaid. *Provided* that no drawback shall be allowed unless security by bond to the satisfaction of the chief officer of revenue at the port of exportation shall have been given for the due exportation of such cigars and that the same shall not be unshipped or relanded at any port or place within the limits of the colony.

Drawback on
cigars manufac-
tured within the
colony and ex-
ported.

Proviso.

Deduction from the gauge of spirits or wines not to apply to wines or spirits in bottles.

At expiration of one year, specific duty on flour shall be 2s. 6d. per barrel instead of 3s. per barrel.

Commencement and continuance of Act.

Title.
Repeals.

IX. The eighty-first section of "The Revenue Consolidation Act, 1873," allowing a deduction of ten per cent. from the gauge of any spirits or wine upon their first importation into the colony, shall only apply hereafter to wines or spirits that may be so imported in wood and not in bottles.

X. At the expiration of one year from and after the coming into operation of this Act, the specific duty charged on flour shall be at and after the rate of two shillings and six pence per barrel instead of three shillings per barrel as now fixed by the Table of Duties in this Act.

XI. This Act shall come into operation on the eighth day of May in the year of our Lord one thousand eight hundred and ninety-five, and subject to the limitation contained in the immediately preceding clause, shall continue in force for three years from that date and from thence to the then next session of the General Assembly, and may be cited for all purposes as "The Tariff Act, 1895."*

XII. The following Acts and parts of Acts shall, from and after the coming into operation of this Act, be repealed, that is to say :—

- 47 Victoria, chapter 8.
- 48 Victoria, chapter 11.
- 5th Section, 49 Victoria, chapter 5.
- 50 Victoria, chapter 2.
- 51 Victoria, chapter 1.
- 51 Victoria, chapter 12.
- 52 Victoria, chapter 8.
- 52 Victoria, chapter 11.
- 54 Victoria, chapter 7.
- 56 Victoria, chapter 1.
- 57 Victoria, chapter 4.

No. 24.

58 Vic. c. 23. *An Act to amend "The Tariff Act, 1895."* (Assented to 7th June, 1895.)

Title.
Continuance in force.

Legalises the following table of duties.

I. This Act may be cited as "The Tariff Amendment Act, 1895," and shall continue in force for and during the continuing in force of "The Tariff Act, 1895," which Act is hereinafter called the principal Act.

II. On the passing of this Act there shall be imposed, levied, collected, and paid to Her Majesty, her heirs and successors, in support of the Government of these islands, upon the articles hereinafter mentioned in addition to the duties imposed by the principal Act the duties hereinafter set forth, that is to say :—

Gin and whisky, for each degree over proof according to Sykes' hydrometer, per gallon ..	One halfpenny.
On all other spirits not enumerated in the Table of Duties in the principal Act, per gallon ..	Five Shillings.
For each degree over proof according to Sykes' hydrometer, per gallon	One halfpenny.

Amends.

III. In reading hereafter the Table of Duties in the principal Act the word "reputed" shall be inserted and read therein before the word "quarts" wherever such last-named word appears in such Table.

* Continued in force by 62 Vic. c. 23.

No. 25.

59 *Vic. c. 1. An Act further to amend "The Tariff Act, 1895."*
(Assented to 20th March, 1896.)

I. This Act may be cited for all purposes as "The Tariff Amend- Title of Act.
ment Act, 1896."

<p>II. From and after the passing of this Act the duties now imposed, levied, and collected upon bicycles and tricycles imported and brought into these islands shall be repealed, and in lieu thereof there shall thereafter be imposed, levied, and collected upon either of such articles when imported and brought into the colony a specific duty of five shillings.</p>		<p>Repeals. Specific duty of five shillings to be collected upon bicycles and tricycles.</p>
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III. The following articles shall be exempted from all duties on the importation thereof, that is to say: wheeled invalid chairs.

IV. The Act 49 Victoria, chapter 5, is hereby repealed.

V. In reading hereafter the eleventh section of "The Tariff Act, 1895," the words "the end of " shall be inserted and read after the word "to" and before the word "the" in the fifth line thereof, as if the said words had been originally inserted therein.

No. 26.

61 *Vic. c. 3. An Act to exempt Fresh Meat, Dead Poultry and Game from the payment of Import Duty.* (Assented to 26th January, 1898.)

I. All fresh meat, dead poultry, and game hereafter imported into these islands shall be exempted from the payment of import duty, anything to the contrary in any Act heretofore passed notwithstanding.

No. 27.

62 *Vic. c. 23. An Act to continue in force the Tariff Laws of the Colony with certain Amendments.* (Assented to 20th April, 1899.)

I. This Act may be cited as "The Tariff Continuance Amended Act, Title. 1899."

II. The following Acts of Assembly, 58 Victoria, chapter 18 (hereinafter called the principal Act), as hereafter amended by this Act, 58 Victoria, chapter 23, 59 Victoria, chapter 1, and 61 Victoria, chapter 3, shall be and the same are hereby continued in force for a period of three years and from thence to the end of the then next session of Assembly.

III. In reading hereafter the first section of the principal Act, the New duties imposed. duties to be received, levied and collected on the following articles shall be at the rates set forth below, that is to say :—

Flour, per barrel	..	..	..	..	£0	3	6
Dressed lumber, per 1,000 feet	..	..	..	..	0	10	0
Oils, kerosene, per gallon	..	..	..	..	0	0	3
Soap, common washing, per 100 lbs.	..	..	..	..	0	4	0
Sugar, unrefined, per 100 lbs	..	..	..	..	0	3	0
Sugar, refined, per 100 lbs.	..	..	..	..	0	8	0
Tea, per lb.	..	..	..	..	0	0	6
Gunpowder, per lb.	..	..	..	..	0	0	3
Cotton duck for making sails, and rope, 10 per cent.							
<i>ad valorem.</i>							

Articles not enumerated in the said section of the principal Act, except such as are comprised in the Table of Exemptions thereto, 20 per cent. *ad valorem*.

Repeal.

And so much of the said section as imposes a higher duty on such articles shall be and the same is hereby repealed.

Exempted
articles.

IV. The following articles shall be exempted from duty under the principal Act, and shall hereafter be included and read in the Table of Exemptions set out in the second section of that Act, that is to say:—

Copper and yellow metal in sheets, copper and composition bolts and nails, tar, pitch, orange sizars, wheel-barrows, machetes, cutlasses, scythes, pruning saws, pruning shears, budding knives, hoes, spades, shovels, rakes, steel, stone, wedges, mattocks, pickaxes, and all other farm tools, implements and machines of every description to be used for agricultural purposes exclusively, water-pipes and fittings, to be used for farm irrigating purposes exclusively, musical instruments other than toys.

Commencement
of Act.

V. This Act shall come into operation on the first day of May, 1899, until which date the duties imposed by the Acts hereby continued shall be collected thereunder.

CLASS III.

AUCTIONEERS AND AUCTION TAXES.

No. 1.

35 Vic. c. 16. *An Act to consolidate and amend the Law relating to Auctioneers.* (Assented to 23rd May, 1872.)

PREAMBLE.

WHEREAS it is expedient that the several enactments now in force relating to auctioneers and the sale of property at auction should be consolidated, with such amendments as may be deemed necessary; May it, &c.:

Illegal to act as
auctioneer or
vendue master
without taking
out a licence and
entering into
bond.

I. It shall not be lawful for any person to act as an auctioneer or vendue master within the Bahama Islands unless he shall have been first duly licensed as such by the Receiver-General and Treasurer, or if resident in an Out-island by the resident justice, acting as collector of revenue for the district for which the licence shall be required; and shall have entered into bond to Her Majesty, her heirs and successors, with two or more sufficient sureties in the penal sum of £500 with the following conditions thereunder written, that is to say:—

Bond and con-
dition.

“The condition of this obligation is such that if the above bounden (here insert name of auctioneer) shall from time to time render true and faithful accounts of all property sold by him at public auction to the Receiver-General, or other proper officer as required by law, and submit and deliver to the said Receiver-General, or other officer, for inspection and examination his vendue books, as is also required by law, and shall well and faithfully pay to the said Receiver-General or other proper officer all sums of money which may be or become payable by the said (here again insert name of auctioneer) as an auctioneer, in respect of duties or taxes, which he is or may be liable by law to pay, then this obligation to be void, otherwise to remain in full force and effect.” Provided, however, that nothing herein contained shall extend to the sale of property under judicial process or distraint for rent, by the proper officer or person duly authorised to make such sale.

Proviso.

II. Repealed by 60 Vic., c. 13.

III. The following fees shall be payable in respect of such licences, that is to say : for a licence to act as an auctioneer or vendue master in the Island of New Providence, £5 ; and for a licence to act as auctioneer or vendue master at any Out-island, £2 ; and every such fee shall be paid before the delivery of the licence in respect of which it is payable, and shall be passed by the officer receiving the same to the credit of the general revenue of the colony.

Fees for licences at Nassau and Out-islands.

IV. Every bond under this Act shall be taken by the Receiver-General or resident justice, as the case may be, without fees, and shall continue in force during the period for which the person on whose behalf it was taken shall act as an auctioneer : Provided, however, that it shall be lawful for the Receiver-General or resident justice, as the case may be, if he should at any time become dissatisfied with the sufficiency of the security, to require other sureties to be given, and it shall also be competent for any surety named in any such bond to withdraw from being a surety, by giving three months' notice in writing to that effect to the Receiver-General or resident justice of the district within which the principal of any such bond is acting as an auctioneer.

Bond to be taken by Receiver-General or resident justices without fees. Proviso.

V. Every auctioneer shall pay to the Receiver-General or collector for the district within which he acts as an auctioneer, to be applied in aid of the general revenue of the colony, a tax on his profits as an auctioneer at the rate of two pounds per centum on the gross sales of all property, of whatever description the same may be, which may be sold by him at public auction.

Auction tax regulated.

VI. For the purpose of ascertaining the amount of tax, which shall from time to time become payable under the preceding section, every auctioneer shall in the first week in January, April, July, and October of every year render to the Receiver-General or collector of revenue for the district within which such auctioneer may act, correct statements and accounts of all property sold by such auctioneer at public auction during the then preceding quarter, or portion of a quarter, if there should be a broken period, and shall also at the same time produce and leave with such officer his vendue blotter, and shall within thirty days afterwards pay to the said Receiver-General or other officer, to be applied as aforesaid, the full amount of tax due by him under this Act, on the property so sold by him as aforesaid.

Auctioneers to render quarterly statements to the Receiver-General or collector of revenue.

VII. Every auctioneer selling wrecked property at auction shall be liable for all import duties payable thereon, and shall within ten days after each day's sale make a true and correct account and return of the property so sold to the office of the Receiver-General or collector of revenue, as the case may be, and at the same time pay to the Receiver-General or collector the full amount of all such duties.

Auctioneers selling wrecked property liable for all import duties thereon.

VIII. To every statement, account, or return rendered by an auctioneer under either of the preceding sections, there shall be appended a declaration in the following form :—" I (here insert name and addition) do solemnly declare that the foregoing (statement, account, or return, describing the paper according to its nature) is in all respects correct and true, and I hereby declare that this declaration is made by me, subject to the provisions of the Acts of Assembly for substituting declarations in lieu of oaths, and providing for the punishment of persons who shall make false declarations." All which declarations shall be subscribed with the name of the party making the same, written in his proper handwriting, in the presence of the Receiver-General and Treasurer or collector, or chief clerk in the department at Nassau, or when made at an Out-island in the presence of the resident justice, or person acting in discharge of the duties of resident justice for the time being, and shall be attested by the officer so taking the same, in the following words : "Subscribed and declared to in my presence,

Form of declaration to be appended to every statement, &c.

Declaration to be subscribed in presence of Receiver-General, collector, or chief clerk or resident justice.

this day of A.D. 18 .” Signed, A.B., Receiver-General, collector, or resident justice, as the case may be.

Penalty for acting as auctioneer without a licence.

IX. Any person who shall act as an auctioneer without having been first duly licensed as heretofore provided, or who shall so act after the expiration of any licence which may have been held by him, notice of such expiration having been given to him as hereinafter provided for, or who being so licensed shall act as an auctioneer without having first entered into bond, as hereinbefore provided for, shall for every offence forfeit and pay a sum not exceeding £50.

Penalty for neglecting to return necessary documents and pay taxes and dues required by this Act.

X. Any auctioneer who shall neglect to make and return or deliver to the proper officer any statement, account, return, or book by this Act required to be made, returned, or delivered, or who shall neglect to pay the taxes and duties by this Act required to be paid by him, shall forfeit and pay for every day during which he shall make any such default the sum of £10; and any auctioneer who shall knowingly make or cause, or allow to be made, any false entries in any such statements, accounts, returns, or books, shall, in addition to the penalties which may attach to him for having made a false declaration, forfeit and pay the sum of £50.

Persons not complying with conditions of sale liable to pay interest on purchase-money.

XI. When any person shall become the highest bidder at public auction for any property there exposed for sale, and shall not within forty-eight hours (if no limited period be fixed for payment, or at the expiration of the period fixed for payment, if sold at a credit), pay for the same; then, and in every such case, it shall and may be lawful for the auctioneer selling such property to charge against, receive, and recover from the person purchasing the same, interest at and after the rate of six per centum per annum for such time as the purchase-money of such property, or any part of such purchase-money shall be and remain in arrear and unpaid: Provided always, that when any property is exposed to sale at a credit, with any conditions annexed to such credit, and the person becoming the highest bidder for the same, shall refuse or neglect to comply with such conditions, then, and in every such case, every such sale shall be taken and considered to be a cash sale, and interest shall be chargeable and recoverable accordingly.

Proviso.

Property not settled for in accordance with conditions of sale may be taken possession of and sold by auctioneer.

XII. When any person shall become the highest bidder at public auction for any property there exposed to sale, and shall not within forty-eight hours pay for the same, or settle with the auctioneer agreeably to the conditions of the sale, in such case it shall be lawful for such auctioneer to take possession of and expose the same property to sale at public auction, at any time within six months after, while the property remains in possession of the auctioneer or of the purchaser, and if the property shall not then bring as much money as was bid for the same at the first sale, the former bidder failing to comply with the conditions of sale, as aforesaid, shall make good the difference in price, with the cost and charges, to be recovered by the auctioneer as other debts due for property sold at auction on commission are recovered; and if any auctioneer shall have reason to believe that any such property sold at auction and not paid for is concealed for the purpose of defeating his aforesaid right, and he shall make affidavit to that effect before a magistrate, he shall thereupon be entitled to have from such magistrate a search warrant, addressed to any constable, to search for and restore the same, according to the true intent and meaning of this Act, and in the meantime the aforesaid claims of such auctioneer on any property so sold by auction and not paid for shall have precedency of all other liabilities whatever.

XIII. and XIV. Repealed by 60 Vic. c. 13.

Taxes and penalties how recovered and applied.

XV. All taxes and penalties by this Act imposed shall be recovered, with costs of suit, in the name of the Queen, her heirs and successors, in any Court having jurisdiction to the amount, and shall be applied in aid of the general revenue of the colony.

XVI. The following Acts and parts of Acts shall be and are hereby repealed, that is to say: 17th, 18th, 19th, 20th, 21st, 22nd and 23rd sections 2 Victoria, chapter 6; 6th section 20 Victoria, chapter 25; and the 14th, 15th and 16th sections 29 Victoria, chapter 10. *Provided*, however, that such repeal shall not affect the validity of any bonds entered into or licences granted under the said enactments or any or either of them, or any existing liability of any auctioneer or other person in respect of any dealings anterior to the commencement of this Act.

Certain enactments repealed.

Proviso.

XVII. This Act shall commence and take effect on the first day of July, A.D. 1872.

Commencement of Act.

No. 2.

48 Vic. c. 14. *An Act to amend the Law relating to Auctions.*
(Assented to 17th April, 1885.)

I. From and after the passing of this Act, the Act of Assembly 35 Victoria, chapter 16, shall not be held or construed to apply in any manner to persons selling by tender, or to sales by tender. *Provided*, however, that where sponge is so sold, the person selling the same shall immediately after the highest bidder or bidders for such sponge shall have been declared the purchaser or purchasers thereof, announce and declare in a loud, distinct, and audible manner the price for which each lot of sponge has been sold to such purchaser or purchasers thereof.

35 Vic. c. 16 not to apply to sales by tender.

Proviso.

II. Any person selling sponge by tender who fails or neglects to make the announcement required by the proviso to the preceding section, shall forfeit and pay the sum of ten pounds.

Penalty.

III. It shall be lawful for any person interested in the sale of any sponges by tender to demand from the person selling the same a written statement or memorandum showing the price for which such sponge has been sold by such person, and which has been announced by such person according to the proviso to the first section of this Act, and any person selling any sponge, and from whom has been demanded a written statement as aforesaid, who shall neglect or refuse to furnish the same to the person entitled to make and making such demand, shall forfeit and pay the sum of ten pounds.

Written statement may be demanded.

Penalty for neglect.

IV. All penalties imposed by this Act shall be recovered with costs of suit, and one moiety of all such penalties when recovered shall be paid into the Public Treasury in aid of the revenue, and the other moiety thereof shall go to the use of the informer who shall sue for the same, which suit or action may be brought in the Court of Common Pleas.

Penalties, how recovered and applied.

No. 3.

(58 Vic. c. 18.)

VI. That there shall be imposed and paid upon the gross amount of sales of all property disposed of at public auction by order of any of the Courts of the colony an auction duty or tax of two pounds per centum; and every officer of the Court selling any such property at public auction as aforesaid shall retain such duty of two pounds per centum out of the gross sales thereof, and shall forthwith pay the sum over to the Receiver-General or other proper receiver, and if such officer as aforesaid shall neglect to retain such duty, or having retained the said duty shall neglect to pay the same over as aforesaid, every such officer shall be personally liable therefor, and the same may be recovered against him by action of debt in any Court having jurisdiction to the amount.

Officers of Court liable for auction-tax on property sold by order of any Court of the colony.

No. 4.

60 Vic. c. 13. *An Act to amend the Auction Laws of the Colony.*
(Assented to 20th May 1897.)

Title of Act.

I. This Act may be cited for all purposes as the "Auction Law Amendment Act, 1897."

Meaning of the words "principal Act."

II. Where the words "principal Act" are used in this Act they shall mean and refer to the Act of Assembly 35 Victoria, chapter 16.

Repeals.

III. The second section of the principal Act is hereby repealed.

Proviso.

Provided, however, that such repeal shall not affect any existing licences granted thereunder, which licences shall continue in force for the period for which they have been granted.

Form, duration and nature of licence.

IV. Licences hereafter granted under the principal Act shall be in such form as the Receiver-General shall from time to time sanction, shall continue in force for the period mentioned therein and no longer, shall set forth the particular district in which the party obtaining it intends to carry on his business, and shall only have force and effect within the district for which the officer granting it is authorised to act. Such licences may be for a year, or any part thereof not less than a month, and shall be issued so as to expire on the 31st day of March next succeeding the date of issue.

Fees for licences.

V. Where a licence is issued for a year the person obtaining the same shall pay therefor, according to the district for which it is issued, the fee set forth in the third section of the principal Act.

Proportionate part of fee payable for a licence issued for less than a year.

VI. Where a licence is issued for a period less than a year, the person obtaining the same shall pay therefor a sum equivalent to as many twelfths of the fee authorised by the third section of the principal Act according to the district for which it is issued as the said licence has months to run. *Provided*, however, that in the case of a licence issued during any month the whole of such month shall be included in calculating the amount to be paid for such licence.

Proviso.

Repeals.

VII. The thirteenth and fourteenth sections of the principal Act are hereby repealed.

No. 5.

61 & 62 Vic. c. 27. *An Act further to amend the Law relating to Auctions.* (Assented to 10th August, 1898.)

Amends.

I. From and after the passing of this Act, the Act of Assembly 35 Victoria, chapter 16, shall not be held or construed to apply in any manner to persons selling Crown lands by order or direction of the Governor.

CLASS IV.

ACTS IMPOSING ASSESSED AND OTHER INLAND TAXES AND FISCAL REGULATIONS.

No. 1.

4 Vic. c. 3. *An Act to prevent the manufacture of Spirits except under Licence.* (Assented to 14th September, 1840.)

Manufacture of spirits prohibited except under licence.

I. That from and after the passing of this Act it shall not be lawful for any person or persons to keep, set up, and use within the Bahama Islands a still, or other apparatus, for the manufacture of spirits of a

sufficient size to contain more than eight quarts, without first obtaining a licence from his Excellency the Governor, or Commander-in-Chief, for the time being, for so doing.

II. That before any such licence as aforesaid shall issue, the person or persons applying for the same shall enter into bond to Her Majesty, her heirs and successors, with two good and sufficient sureties in the sum of five hundred pounds, with the following condition thereunder written, that is to say :—"The condition of the above-written bond or obligation is such, that if the above bounden A. B. shall, once in every three months, render upon oath to Her Majesty's Receiver-General and Treasurer in and for these islands, a true and faithful account of the quantity of rum or other spirits manufactured by the said A. B. or his servants within these islands, and shall well and faithfully pay to the said Receiver-General and Treasurer, when thereunto required, all duties that may become due and payable by such manufacturer on such rum or other spirits, then the above-written bond or obligation to be void and of no effect, or otherwise to remain in full force and virtue." And such bond shall be taken annually by the Secretary of these islands, or his lawful deputy, who, after having registered the same, shall keep such bond in his custody; and the said Secretary, or his lawful deputy as aforesaid, is hereby authorised and required, should he deem it necessary, to administer an oath to any person offered as surety, by which to ascertain his or her sufficiency: Provided always, that no action or suit shall be at any time brought on any such bond as aforesaid after the expiration of two years from the date of such bond respectively.

Manufacturer to give bond.

Bond.

Same to be taken annually.

Proviso.

Duty on spirits manufactured within these islands, if for consumption.

III. That there shall be imposed and paid to Her Majesty's Receiver-General and Treasurer in and for these islands, to be applied in aid of the General Revenue Fund of the colony, on all rum or other spirits manufactured as aforesaid within these islands, a duty or tax of one shilling and tenpence per gallon, which duty shall be paid by the manufacturer of such rum within six months after he shall have made his quarterly return to the said Receiver-General and Treasurer, as before directed, unless previous to making such return such manufacturer shall have deposited such rum or other spirits in a bonded warehouse, when, and in every such case, the hereinbefore-mentioned duty shall only become payable on such rum or other spirits being taken out of such bonded warehouse for consumption within the colony.

IV. That every person who shall manufacture rum or other spirits, or cause or procure the same to be manufactured, or in any way aid or assist in such manufacture, except under the authority of a licence as aforesaid, shall on conviction thereof forfeit and pay the sum of five hundred pounds, to be recovered by action of debt in any superior court of common law within these islands.

Penalty on manufacturing rum without licence.

No. 2.

19 Vic. c. 15. *An Act to impose a Tax on Dogs, and for other purposes.* (April 1st, 1856.)

WHEREAS, the number of dogs in the colony have increased to such an extent as to become a public nuisance; for remedy whereof, May it, &c.:

PREAMBLE.

I. That from and after the commencement of this Act, there shall be levied, imposed, and paid on every dog kept within either of the islands or districts hereinafter mentioned, a tax of one shilling for every quarter of a year, and an additional tax, for the same period, of nine-

Rate of tax on dogs, viz.: 1s. a quarter for one dog, and 9d. additional for every dog above two

kept by the same person.

Proviso.

Who deemed the owner of a dog.

Quarter days specified, viz.:
31st March,
30th June,
30th September,
31st December.

Assessors to be appointed by Governor.

Duty of assessors.

Mode of serving notice.

Remedy for persons deeming themselves erroneously assessed.

Period of levying arrears of taxes.

pence, on every dog exceeding the number of two, owned or kept by the same person; such taxes to be payable by the owner of, or by the person in whose premises every such dog or dogs is or are habitually kept: Provided, however, that it shall be lawful for every owner or keeper of a dog to pay the tax hereby imposed in advance for a year.

II. That for the purposes of this Act any person in whose premises a dog is found, shall be deemed and taken to be the owner or keeper thereof, and shall be liable to the payment of the tax or taxes aforesaid, unless he can show, in manner hereinafter provided for, who the true owner of the dog is, or that such dog was not habitually kept in his premises.

III. That such taxes shall be due and payable on the following quarter days, that is to say, the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in every year, and every person who, during any part of any such quarter of a year, shall have kept a dog as aforesaid, shall be liable to pay the tax for the quarter, although such person may not have kept such dog for the entire three months forming such quarter.

IV. That for the purpose of collecting such tax, it shall be lawful for the Governor to appoint one or more assessors for every island or district to which this Act extends, whose duty it shall be to make quarterly assessments of the number of dogs within their respective districts, and of the persons liable to be taxed therefor under this Act, which assessment shall be according to the Form A in the Schedule to this Act annexed, and shall be prepared in duplicate, one to be kept by the assessor making the same, and the other to be returned by him, within one week after the end of the quarter for which it is made, to the revenue officer of the district for which he is acting.

V. That every such assessor shall, as soon as practicable after the completion and return of every quarterly assessment as aforesaid, cause every person returned therein, as liable to the payment of the tax hereby imposed, to be served with a printed or written memorandum of the amount of tax for which such person has been assessed, with a notice thereunder to the following effect, that is to say, "Take notice that you have been assessed to the dog tax for the amount above mentioned, and if such assessment is erroneous, you are entitled to have the same corrected by applying within eight days from the day of the service of this notice; the police magistrate, if at New Providence, or if on an Out-island, to any one of Her Majesty's justices of the peace for the district for which the assessment is made."

VI. That it shall be lawful to serve the memorandum and notice aforesaid, either personally on the party assessed, or by leaving or posting the same at his or her last known place of abode.

VII. That it shall be lawful for any person who may consider himself or herself erroneously assessed, at any time within eight days after service as aforesaid of such memorandum and notice, to apply to the police magistrate or justice of the peace, as the case may be, who shall forthwith investigate the case, at which examination it shall be lawful for the said police magistrate or justice of the peace, as the case may be, to examine the party assessed on oath, and if it shall appear to his satisfaction that the party complaining has been erroneously assessed, he shall forthwith give notice thereof to the assessor, who shall amend his assessment rolls accordingly.

VIII. That at the expiration of thirty days after such written memorandum shall have been left or served as aforesaid with any party liable to pay the same, and such party having not appealed therefrom, or having appealed therefrom, such appeal having been dismissed, or not having appealed therefrom within the time hereby allowed, that then it shall be the duty of the chief revenue officer of the district to

issue his warrant for the levying thereof, as in other cases of rates, assessments and taxes unpaid and in arrear, directed to the assessor by whom the party making default was assessed; and it shall be the duty of every such assessor forthwith to execute such warrant.

IX. That this Act shall extend to the Island of Inagua, Long Island, Rum Cay, Watling's Island, and to such other islands and districts as the Governor in Council may hereafter, on petition from the inhabitants thereof, by Order in Council, extend it to.

X. That every assessor shall be entitled to have and receive fifty per centum on the amount of all taxes assessed by him under this Act, upon the same being actually paid, levied or recovered, and the residue of all such taxes shall be applied in aid of the expenses of the government of the colony.

XI. That the assessors to be appointed under the authority of this Act shall be deemed and taken to be officers of the Revenue Department of the colony, and shall be entitled to the same and the like protection as is given by law to the other officers of that department.

XII. That from and after the commencement of this Act, no action shall lie for any injury inflicted on, or for the destruction of a dog committing or about to commit any trespass or depredation on the property of the person against whom the action is brought, or that of his master or employer, nor shall any action lie for any injury inflicted on, or for the destruction of a dog, unless it shall be proved at the trial of such action that at the time the injury was inflicted on such dog there was no arrears of tax under this Act due and payable in respect of such dog, and further, that the dog had on, at the time of receiving such injury, a collar with the name of the owner legibly marked thereon.

XIII. That from and after the commencement of this Act, the Judge of the Police Court at Nassau, and the several Justices of the Peace at the Out-islands, shall be and they are hereby respectively invested with jurisdiction to hear, try, give judgment, and award execution (in the same manner as they are now by law invested with jurisdiction, in cases of debt, trespass, and trover) in actions brought against the owners or keepers of dogs, for injuries done by such dogs to the persons or property of others, provided that the amount of damage claimed in any such action shall not exceed five pounds.

XIV. That on islands or in districts where there is no revenue establishment, the duties of this Act imposed on the chief officers of the revenue, shall and may be lawfully exercised by any Justice of the Peace.

XV. That this Act shall commence and take effect on the first day of July next.

SCHEDULE.

FORM A.

Names of Parties.	Number of Dogs.	Place of Residence.	Amount rated for.

No. 3.

21 Vic. c. 21. *An Act to relieve the Superintendent of Roads from the payment of certain Duties.* (Assented to 20th April, 1858.)

PREAMBLE.

WHEREAS the duties appertaining to the office of Superintendent of Roads might be facilitated by relieving the holder thereof of certain taxes. May it, &c.

Superintendent of roads relieved from payment of tax on any carriage or horse used in the performance of his duties.

I. From and after the passing of this Act, the Superintendent of Roads at Nassau, shall be, and he is hereby relieved, from the payment of any assessment or tax on any carriage or horse ordinarily used by him in the performance of his duties.

No. 4.

26 Vic. c. 1. *An Act to regulate the Licensing of Billiard Rooms, and for other purposes.* (Assented to 13th March, 1863.)

See Act *in extenso*, ante Part VI., Class IX., No. 1.

No. 5.

36 Vic. c. 7. *An Act to regulate the Assessment and Collection of Taxes on Horses and Carriages in the Island of New Providence.* (Assented to 14th March, 1873.)

I. Upon, from, and after the passing of this Act, there shall be imposed, levied, and paid to your Majesty, your heirs and successors, for and towards the support of the Government of the Bahama Islands, the following annual taxes, that is to say :

Carriage-tax.

On every carriage, except as hereinafter excepted, for each seat, not exceeding four seats therein, ten shillings.

And

Horse-tax.

On every horse, except as hereinafter excepted, one pound.

EXEMPTIONS.

Exemptions.

Horses owned and kept by officers in Her Majesty's military service, actually stationed and doing duty in the colony, and who are entitled by the regulations of the service to draw forage allowance.

And

Horses and waggons habitually kept and used for plantation purposes, that is to say : either in actual employment on a plantation, or in the conveyance therefrom to any other part of the Island of New Providence of the products of such plantation, or in the conveyance to such plantation of articles therefor.

II. and III. repealed by 50 Vic. c. 18.

Assessor's returns to be verified.

IV. All returns made as aforesaid shall be verified by the person making the same by a declaration to be made before a Justice of the Peace in the form following, that is to say : "I (here insert name of assessor), do solemnly declare that I have indifferently and impartially

assessed all and every person liable to be assessed and taxed, under or by virtue of the 'Assessment Act, 1873,' according to the best of my skill and knowledge, and I make this declaration under and subject to the provisions of the Acts of Assembly for the abolition of unnecessary oaths."

V. Upon every such return or supplemental return being made as aforesaid, it shall be the duty of the Receiver-General and Treasurer to cause the person making the same, to make out and deliver to, or leave at the respective residences of the several persons named in such return as liable to the payment of taxes, an account of the amounts at which such persons have been respectively assessed, to all which accounts there shall be subjoined or annexed a note in writing requiring payment of the amounts thereof to be at once made; and if payment shall not be made within ten days after the delivering of any account and demand of payment as aforesaid, where the amount shall not exceed the sum of twenty pounds, or where such amount shall exceed the sum of twenty pounds, such payment shall not be made within thirty days, it shall be lawful for the Receiver-General and Treasurer to enforce payment thereof in manner hereinafter provided for.

Receiver-General may enforce payment of taxes after the delivery of notice in writing.

VI. Payment of taxes under this Act shall be enforced at the discretion of the Receiver-General and Treasurer, either by action of debt against the party named in the assessors' return as liable to the payment thereof, or by distraint, seizure, and sale of the carriage or horse in respect or on which the tax has been assessed; and such distraint, seizure, and sale may lawfully be made notwithstanding that the property may have been transferred to and be at the time in the possession of some person other than the person named as liable to the tax in the assessment return.

Payment of taxes may be enforced by distraint or seizure.

VII. The better to enable assessors appointed under this Act to ascertain the persons probably liable to the payment of taxes under this Act, it shall be lawful for every assessor of taxes, at all reasonable times, to enter upon the lands and premises of persons residing within the district for which he is appointed to act, and there to make diligent inquiries as to the number of carriages and horses liable to taxation which may be kept by the said persons, or be in the possession or use of any person residing or being therein; and if any person liable to be taxed by this Act shall, upon application to him, or her, or them, made by the assessors, neglect or refuse to give true and accurate lists of their taxable property; or if such person or persons shall be absent from New Providence, or shall in any manner evade an interview with the assessors, while employed in the execution of this Act, or verbally or otherwise shall give, or attempt to give, the said assessors an untrue account of the property for which he, she, or they are liable to be assessed, then and in every such case it shall and may be lawful for such assessors, and they are hereby required to ascertain as nearly as may be the amount of such taxable property, and to assess and charge the aforesaid rates upon the same.

Assessors of taxes may enter premises to make inquiries for taxable property.

VIII. The word "carriage," as used herein, shall be construed to comprehend and include all vehicles drawn by a horse or horses, or by a mule or mules, not being carts or drays; the word "horse" shall be construed to comprehend and include all descriptions of animals of the horse species; and the word "plantation" shall be construed to mean any lands or premises used for agricultural purposes, or for the manufacture of any predial product.

Construction of words "carriage," "horse," and "plantation."

IX. Every person appointed an assessor under the authority of this Act shall be entitled to receive for his labour and trouble in the said duty ten pounds per centum on the amount of all taxes it shall be his duty to collect, and which shall have been actually paid into the Public Treasury. And also in all cases where any such taxes have been recovered by distraint, he shall be entitled to have and receive the like

Remuneration of assessors.

fees and commissions upon the same as are payable on warrants or executions issued out of the Court of Common Pleas.

Penalty for assaulting, &c., &c., an assessor.

X. If any person shall assault, resist, oppose, molest, hinder, or obstruct any assessor appointed under this Act, while in the execution of his office, every person on being convicted thereof in a summary way before the police magistrate for the Island of New Providence, or any justice of the peace acting for such police magistrate, shall be liable to the payment of a fine not exceeding five pounds, or, in default of payment, to imprisonment for any term not exceeding thirty days.

Assessor's protection.

XI. Every assessor appointed under this Act, as also every other person acting in any way under the authority of this Act, shall be entitled to the same protection as may be given by any Act of Assembly in force for the time being to officers of the Receiver-General and Treasurer's Department.

Proof of liability to pay tax.

XII. In all actions brought for the recovery of any tax leviable under this Act, the assessment roll shall be *prima facie* proof of the liability of the person named therein as liable to the payment of the tax sued for.

Title.

XIII. This Act may for all purposes be cited as "The Assessment Act, 1873."

Exemption.

XIV. The taxes by this Act imposed shall be subject to the provisions of the 21st Vic. c. 21.

Parts of Acts repealed.

XV. The 26th, 27th, 28th, 31st, and 32nd sections of the 2nd Vic., chapter 6, and so much of the first section as imposes taxes on the vehicles and animals in such section mentioned and particularised, as also the 11th Victoria, chapter 10, and 21st Victoria, chapter 21, are hereby repealed.

No. 6.

38 Vic. c. 13. *An Act to regulate the Sale of Medicines and Drugs in the Island of New Providence.* (Assented to 17th March, 1875.)

PREAMBLE.

WHEREAS the Act of the last Session of Assembly, by which the laws relating to the public dispensary were consolidated and amended, and the sale of medicines and drugs was regulated, will expire on the twenty-fifth day of April of the present year, and it is expedient to re-enact in a separate measure those portions of the said Act which relate to the sale of medicines and drugs; May it, &c.:

Not lawful to sell drugs without a licence.

I. It shall not be lawful for any person to sell, or offer for sale, by retail, in the Island of New Providence, any medicine or drug, or any preparation thereof (castor oil, the manufacture of the colony, excepted), without having been licensed for that purpose by the Governor in Council: Provided, nevertheless, that any medical practitioner who shall have been duly qualified by the diploma of any legally recognised medical or surgical British or foreign institution, shall be entitled to supply medicines to his patients without the necessity of obtaining a licence under this Act, and without being liable to the annual tax of ten pounds charged under the fourth section of this Act: Provided that he shall have duly recorded such his diploma in the office of the Registrar of Records, and paid a fee of ten pounds to the said Registrar for the recording thereof, which said fee shall be paid into the Public Treasury in aid of the revenue of the colony.

Proviso.

Qualification of persons who may sell drugs.

II. That a licence under this Act shall not be granted to any person who is not a graduate or licentiate of some British or foreign legally recognised medical or surgical institution or society of apothecaries, or who shall not have served two years in an apothecary's or chemist's establishment, and shall not produce a satisfactory certificate from such

apothecary or chemist, or from some resident graduate or licentiate as aforesaid, of being competent to make up medical prescriptions.

III. Every application for a licence to vend medicines by retail under this Act shall be by petition to the Governor in Council, in which petition the nature of the applicant's qualifications shall be stated, and all necessary documentary proof shall be annexed thereto; and where any applicant claims to be a graduate or licentiate of a legally recognised medical or surgical institution or society of apothecaries, he shall, in his petition, set forth and describe the institution by its corporate name, and upon the Governor in Council being satisfied that the applicant is qualified under this Act, and in the case of a person claiming to be a graduate or licentiate that the institution or society of which the applicant claims to be a member is a legally recognised corporate institution or society, and that the applicant has been duly admitted, and is a member or licentiate thereof, it shall be lawful for the said Governor in Council to grant to such applicant a licence to retail medicines or drugs within the Island of New Providence under the authority of this Act.

Mode of application for licence and proof of qualification.

IV. Every such licence shall be under the hand and seal-at-arms of the Governor, and shall be registered in, and be issued from the office of the Colonial Secretary, and shall be and continue in force for the space of twelve calendar months from the day on which the same shall be issued, and no longer; and the person to whom any such licence shall be granted shall pay to the Receiver-General and Treasurer, or other proper revenue officer, the sum of ten pounds in aid of the revenue of the colony, and before the delivery of his licence shall be required to exhibit a receipt from such Receiver-General, or other proper revenue officer, for the sum aforesaid.

Issue of licences and their time of duration.

V. If any person shall, within the Island of New Providence, personally, or by any person in his or her service, or in his or her behalf, sell or offer for sale by retail any medicine or drug, or any preparation thereof, except as hereinbefore excepted, without having obtained a licence for that purpose, or having obtained such licence shall have neglected to renew the same at the annual period of the expiration thereof, every such person on being convicted of such offence before the police or sitting magistrate for the Island of New Providence, shall pay such penalty not exceeding twenty pounds as the said police magistrate shall in his discretion impose.

Penalty for retailing medicines without a licence.

VI. Every such licensed vendor of medicines shall number and file every medical prescription which shall be brought to his establishment to be made up, and shall also register in a book the number and date of each prescription, the name of the person for whom, and of the medical practitioner by whom the same was given, the particulars of every such prescription, and the directions which accompanied the medicine, which registry shall be produced whenever required by any court, magistrate, or coroner in the course of any inquiry or investigation which such court, magistrate, or coroner has authority to institute or hold.

Medical prescriptions to be filed.

VII. It shall not be lawful for any such licensed vendor of medicines to sell or dispense any poisonous or deleterious medicine or drug in any quantity sufficient to cause death, unless the same shall have been prescribed by a medical practitioner, or the person requiring the same shall explain satisfactorily the purpose for which such medicine or drug is wanted, nor, in either case, without writing in large characters on the parcel or phial or other package or vessel containing the same, the word "Poison," and also registering the same in the manner required in the next preceding section.

Regulates the selling of poison.

VIII. If the said registry of any such licensed vendor of medicines shall not be produced when required, or when produced shall be found to be improperly or irregularly kept, such party shall, for the first offence,

Penalty for not properly keeping and producing registry of medicines.

pay such fine not exceeding twenty pounds as the court, magistrate, or coroner which shall have called for the said registry shall impose, and for the second or subsequent offence shall, in addition, on the representation of such court, magistrate, or coroner, to the Governor in Council, be liable to the revocation of his licence; and if any injury shall occur to any person by the use of any poison or deleterious medicine or drug sold or dispensed by any such licensed vendor of medicine in consequence of his having neglected the precautions hereinbefore required, such person shall be liable for any such offence to be criminally proceeded against as and for a misdemeanor, and on conviction in the General Court shall be punished in the discretion of the Court as other misdemeanants are by law punishable.

Enforcement of penalties.

IX. The payment of all fines, penalties, and forfeitures imposed under the authority of this Act shall be enforced by levy and sale of the offender's goods and chattels, or by arrest and committal of the offender to any lawful prison for any period not exceeding two months, if such penalty be not sooner paid; and one moiety of all fines, penalties, and forfeitures when recovered shall be paid into the Public Treasury, in aid of the revenue, and the other moiety thereof shall go to the use of the informer, or him, or her, or those who shall sue for the same.

Appeal.

X. Any person summarily convicted under this Act shall be entitled to the right of appeal under the provisions of the Act of Assembly, 10 Victoria, chapter 11.

No. 7.

40 Vic. c. 9. *An Act for raising a Revenue by Stamp Duties.*
(Assented to 5th May, 1877.)

Stamp duties imposed.

I. That from and after the First day of July next the duties respectively set forth in the Schedules A, B and C shall be chargeable, levied and paid in respect of the several deeds, paper-writings, and other instruments in the said schedules enumerated, all which duties shall be denominated, chargeable, and collected as stamp duties, and may be denoted either by a stamp impressed upon such deed, paper-writing, or other instrument, or by adhesive stamps affixed thereto, and shall be paid into the Public Treasury in aid of the general revenue of the colony.

Documents may not be filed till stamped.

II. It shall not be lawful for any officer of the superior Courts of the colony to issue, receive, or file any document, or instrument by this Act required to be stamped, unless the same shall have been duly stamped as required by this Act.

Documents may not be recorded till stamped.

III. That it shall not be lawful for the Registrar of Records to receive for record, nor to enter in any of the books of record in his office any deed or instrument which he is now by law required to enter of record, unless the said deed or instrument shall be stamped as required by this Act.

Documents may not be pleaded till stamped.

IV. That no deed, paper-writing or other instrument, set forth in the schedules to this Act annexed shall be pleaded or given in evidence in any Court, or admitted in such Court to be good, useful, or available in law, or equity, unless the same shall be stamped as required by this Act.

Penalty for not using a stamp.

V. It shall be the duty of the person or persons signing any deed, paper-writing, or other instrument required by this Act to be stamped, to cause the same to be stamped as so required, and if any person shall omit, or neglect, or refuse so to do, he shall be liable to a penalty not

exceeding £10, or if the stamp duty in respect of such document shall amount to or exceed that amount then in a penalty not exceeding double the amount of such duty.

VI. Before any deed, paper-writing, or other instrument, stamped under the authority of this Act, shall be delivered out of the hands, custody, or power of the person who may have signed the same, he shall cancel, or obliterate the stamp thereon, by writing thereon his name or the initial letters of his name in such manner as to show clearly and distinctly that such stamp or stamps has or have been made use of, and so that the same may not be again used, and if any person shall omit, or neglect so to do, he shall forfeit and pay a penalty not exceeding £5.

Penalty for not
obliterating
stamp.

VII. In case any person required by this Act to stamp any deed, paper-writing, or other instrument, shall omit, neglect, or refuse so to do, and shall incur a penalty under this Act, it shall be lawful for the Court inflicting such penalty to order any officer of the Court to affix and cancel the proper stamp to such deed, paper-writing, or other instrument, the value of such stamp being paid out of the penalty inflicted as aforesaid, and thereupon such deed, paper-writing or other instrument, shall be considered, and taken in all respects as if the same had been regularly stamped, when the same had been made or given.

Stamps may be
affixed by order
of Court.

VIII. It shall be lawful for any person, or persons, or his, or their agent or agents, from whom any sums of money shall be due or payable or claimed to be due or payable, and who shall not have paid the same, to provide a piece of paper or parchment, duly stamped with the proper stamp or stamps, and to demand and require of the person or persons entitled to such sum or sums of money, or any agent to whom the same shall have been paid, a receipt for such sum or sums of money, and also the payment of the amount of the duty thereon, as aforesaid, and if any person to whom such sum or sums of money shall have been paid as aforesaid, shall omit, refuse, or neglect upon such demand to give such receipt, or pay the amount of such duty as aforesaid, or to cancel the stamp on such paper or parchment, every such person shall forfeit and pay for every such offence the sum of £1.

Penalty for re-
fusing to cancel
stamp.

IX. If any person shall fraudulently get off, or remove, or cause or procure to be gotten off or removed from any deed, paper-writing, or other instrument required to be stamped by this Act, any stamp, or shall affix or use any such stamp which shall have been gotten off or removed to or for any other deed, paper-writing, or other instrument, or shall do, or practice, or be concerned in, any fraudulent Act, contrivance or device whatever, with intent to defraud the Revenue of any duty by this Act granted, every person so offending shall forfeit and pay the sum of £20.

Penalty for re-
moving stamps
fraudulently.

X. The collection of the duties hereby imposed shall be under the control of the Receiver-General, and it shall be lawful for the Governor in Council, who is hereby empowered so to do, to cause proper and sufficient stamps or dies to be provided for denoting and expressing the several duties by this Act imposed, and such stamps or dies from time to time to be altered or removed, as occasion shall require, also from time to time to make and alter all rules which may be requisite for carrying the provisions of this Act into effect.

Collection of
stamp duties and
of carrying the
Act into effect.

XI. Until the proper dies or stamps shall be prepared, and until His Excellency the Governor in Council shall, by Order in Council direct that they shall come into use, the adhesive postage stamps of the colony of the proper value shall be used for the purpose of denoting the duties chargeable and payable under this Act.

Postage stamps
may be used.

XII. All penalties and forfeitures under this Act, or the Act 38 Vic., c. 15, shall be recoverable in the several Courts of the colony having jurisdiction to the amount at the suit of any person who may sue for the same, and one-half thereof shall be paid to the party suing there-

How penalties
may be re-
covered.

Provisions of
21 Vic. c. 15 made
applicable.

Duration.

Name.

for, and the other half shall be paid into the Public Treasury in aid of the general revenue of the colony.

XIII. The several provisions of the Act 21 Vic., c. 15, with reference to the supply and sale of postage stamps, and the return of the proceeds thereof, shall in all respects apply to postage stamps to be supplied, sold, and used for the purposes of this Act.

XIV. That this Act shall continue and remain in force for and during the period of five years, and from thence to the end of the then next Session of the General Assembly, and no longer.*

XV. This Act shall be cited for all purposes as the "Stamp Act, 1877."

SCHEDULES

A.

LEGAL PROCEEDINGS IN CIVIL CAUSES IN THE SUPERIOR COURTS.

	£	s.	d.
Every warrant to prosecute or defend	0	0	6
Every notice of action when notice is required by law ..	0	1	0
Every original, concurrent, or renewed writ of summons, if specially endorsed for any sum not exceeding £20 ..	0	1	0
For every £10 or fraction exceeding £20	0	0	4
If not specially endorsed	0	3	0
Every writ of ejectment	0	5	0
For every other writ, whether judicial or mesne	0	2	6
Every act on petition, bill of complaint, answer, declaration, plea, issue, demurrer, special case, or other subsequent pleading filed	0	1	0
Every notice	0	0	6
Every affidavit	0	1	0
Every Judge's summons at chambers	0	1	0
Order thereon	0	1	0
Every rule nisi	0	1	0
Every order of Court	0	1	0
Every appearance	0	0	6
Imparance	0	2	6
Interlocutory judgment	0	1	0
Judgment or decree	0	5	0
Satisfaction	0	1	0
Commission for the examination of witnesses	1	0	0
Interrogatories or cross interrogatories	0	10	0
Every paper produced in evidence, other than a record or a document requiring to be stamped	0	3	0
Every bill of costs not exceeding £50	0	1	0
Exceeding £50	0	2	6
Certified copy of any document issued by any officer of the Superior Courts, if under 10 folios	0	1	0
For every additional folio	0	0	1
For filing every document	0	0	3

B.

BILLS OF LADING AND EXCHANGE AND DOCUMENTS USED IN COMMERCIAL AND OTHER TRANSACTIONS.

	£	s.	d.
On Bills of lading for goods shipped to ports without the limits of the colony, each	0	0	4

* Continued in force by 52 Vic. c. 16.

	£	s.	d.
On each number of a set of bills of exchange drawn on parties residing or doing business in places without the Colony:			
On sums under £10 and not exceeding £25..	0	0	1
„ exceeding 25 „ „ „ 50..	0	0	2
„ „ 50 „ „ „ 75..	0	0	3
„ „ 75 „ „ „ 100..	0	0	4
„ „ 100 „ „ „ 250..	0	0	6
„ „ 250 „ „ „ 500..	0	0	8
„ „ 500	0	0	10
Government Bills of Exchange exempted.			
Articles of copartnership	0	10	0
Power of attorney (general)	0	5	0
„ „ (special)	0	2	6
Articles of apprenticeship to any profession..	5	0	0
Agreement of submission to arbitrators	1	0	0
Every award for payment of money under £50 ..	0	10	0
Every additional £20 or fraction	0	5	0
Every award other than for the payment of money ..	0	10	0
Every warrant of survey of vessels or goods ..	0	5	0
Every certificate or report of surveyors	0	5	0
Every deed of conveyance of land when the value is £10 or under	0	1	0
And for every additional £10 or fraction thereof, up to £100	0	0	6
For every additional £50 or fraction thereof	0	4	0
For every lease where the rent reserved is at the rate of £10 or under	0	1	0
For every additional £10 or fraction thereof..	0	0	6
Renunciation or release of dower	0	2	6
Bill of sale of personal property, if under £50 ..	0	5	0
For every additional £10 or fraction..	0	1	0
For every common money bond	0	2	0
For every special bond with condition	0	3	0
Hypothecation on ship, or on ship and cargo, or on cargo alone, where the amount shall not exceed £100 ..	0	10	0
Every additional £100 or fraction	0	4	0
Mortgage of realty or personalty, or both where amount shall not exceed £50	0	3	0
For every additional £50, and not exceeding £500 ..	0	2	6
For every additional £50 or fraction..	0	2	0
Every notarial certificate	0	2	6
Every notarial protest of a bill, note, or other instrument, if under £20	0	1	0
Above £20	0	2	0
Every ship's protest	0	10	0

C.

RECEIPTS FOR MONEY.

For sums exceeding £2	0	0	1
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No. 8.

41 *Vic. c. 3. An Act to amend the Stamp Laws.* (Assented to 14th March, 1878.)

Additional stamp duties.

I. The following stamp duties shall be chargeable, levied, and paid in respect of the documents hereinafter enumerated, that is to say :

	£	s.	d.
On every promissory note .. .. .	..	0	0
On each export entry .. .. .	..	0	0
On each import entry, direct or ex warehouse ..	..	0	0
On each clearance .. .. .	..	0	0

Such duty to be denominated, chargeable, and payable, and may be denoted in all respects as if the same had been imposed by the Stamp Act, 1877.

II. Repealed by 49 *Vic. c. 8.*

III. Commencement.*

No. 9.

46 *Vic. c. 16. An Act imposing a Tax towards the support of a Fire Brigade in the Island of New Providence.* (Assented to 20th April, 1883.)

Tax on fire insurance companies.

I. Every fire insurance company carrying on business within the Island of New Providence shall pay to the Receiver-General and Treasurer a tax of two pounds per centum upon the gross amount received by such company for premiums on all fire policies issued by such Company for the insurance of any property within the said Island of New Providence.

Mode of ascertaining amount of tax payable.

II. In order to ascertain the amount of tax which shall from time to time become payable under the preceding section, it shall be the duty of the Receiver-General and Treasurer in the first week in January, April, July, and October of every year to cause a notice to be served on every fire insurance company carrying on business within the said island requiring the said company to make a return of all fire policies issued by such company for the quarter of the year preceding the date of such notice, as also a return of all renewal receipts for premiums on fire policies which may have been theretofore issued, and the amount of premiums received upon such policies and renewal receipts.

Service of notice on secretary sufficient.

III. Service of such notice upon the secretary of any such company established within the aforesaid Island of New Providence, and upon any person acting and holding himself out in the said island as an agent for any fire insurance company, established in any place without the limits of this Government, but carrying on business in the said Island of New Providence by and through an agent or agents, shall be good and sufficient notice to any company for the purposes of this Act.

Duty of secretary on receipt of notice.

IV. Every person being the secretary or agent of any fire insurance company carrying on business as aforesaid, who shall have been duly served with the notice mentioned in the preceding section, shall, within ten days after such service, deliver to the Receiver-General and Treasurer the return mentioned in the second section of this Act, and shall, within ten days afterwards, pay over to the Receiver-General the full amount of tax due by the fire insurance company represented by such

* See footnote 40 *Vic. c. 9.*

No. 11.

49 Vic. c. 9. *An Act to consolidate and amend the Acts of Assembly 40 Victoria, chapter 1, and 43 Victoria, chapter 1, relating to the Levying of a Tax in respect of Real Property.* (Assented to 26th May, 1886.)

Taxes to be paid
on rental of
property.

I. From and after the first day of July next there shall be paid into the Public Treasury of these islands the yearly taxes hereinafter mentioned, to wit :—

Proviso.

On the annual assessed rental of all occupied houses, warehouses, shops, sheds or other buildings, and on all wharves or lots which may be rented separately (dwelling-houses that have not been occupied during nine months immediately preceding the said first day of July in each and every year, places of religious worship, school-houses and property of the Imperial or Colonial Government excepted), which shall amount to or exceed ten pounds, a tax at and after the rate of eightpence for every pound or fraction of a pound of such annual rental as aforesaid, such tax to be paid by the owner of the property in respect of which it shall be assessed, quarterly in advance on the first day of July, the first day of October, the first day of January, and the first day of April in each and every year; and there shall also be paid on such assessed rental, at the times and in manner aforesaid, by the tenant of such property, a tax at and after the rate of fourpence for every pound or fraction of a pound of such assessed rental as aforesaid. *Provided always*, that it shall be lawful to pay such taxes either half-yearly or yearly at the election of the person who may be assessed. *Provided also*, that whenever it shall be proved to the satisfaction of the Receiver-General at Nassau, or the Resident or Assistant Resident Justice at an Out-island, that property which has been assessed under the Act, has been during the whole of any quarter of the year of assessment unoccupied, and that the owner during any such whole quarter has not received any returns from such property by way of rental or otherwise, it shall be lawful for the said Receiver-General, or Resident or Assistant Resident Justice, as the case may be, to remit the payment of all taxes for which the owner would otherwise have been liable for, for such quarter.

Assessors ap-
pointed and their
duty.

II. It shall be lawful for His Excellency the Governor in Council from time to time to appoint an assessor for the Island of New Providence, and also to appoint the Resident or Assistant Resident Justices of each of the several islands of the colony to be an assessor, whose duty it shall be to prepare annually before the first day of May in each and every year assessment returns in the form A, in the schedule to this Act annexed, of the persons liable for the ensuing year to the rate imposed by the first section of this Act. *Provided* that nothing herein contained shall affect or prejudice any assessment returns prepared prior to the passing of this Act for the years ending on the thirtieth day of June, 1886, and the thirtieth day of June, 1887, respectively, which said returns shall remain in force for those periods, except that in case of the returns made for the year ending the thirtieth day of June, 1887, the same shall be subject to the provisions of this Act in the same manner as if such returns had been prepared hereunder and after the passing thereof.

Assessor's re-
turns for the
Island of New
Providence to be
made to the office
of the Receiver-
General, and
assessors at the

III. The assessor to be appointed as aforesaid for the Island of New Providence shall return the assessment or assessments made by him to the office of the Receiver-General on the first day of May in every year, unless such day shall fall on a Sunday or public holiday, in which case the return shall be made on the following day, and the assessors

for the several Out-islands shall respectively retain possession of the assessments so made by them ; and it shall be the duty of the Receiver-General in the Island of New Providence, and of the assessor of each of the Out-islands, respectively, within fourteen days after the first day of May in every year, to cause a notice in the form B, in the Schedule to this Act annexed, to be served upon such person who shall have been assessed, and the assessments so made as aforesaid shall, except when the same may be disputed as hereinafter provided for, be final and conclusive against the persons who may be assessed therein.

Out-islands to retain possession of their returns.

IV. If any person assessed as aforesaid shall desire to dispute the assessment, he shall, on or before the first day of June in each year, give to the Receiver-General at Nassau, if the assessment is in the Island of New Providence, or to the Assessor at the Out-island, if the assessment is in such island, notice in writing of his intention to do so, and it shall be lawful for such person, where the assessment is in the island of New Providence, to apply to the police magistrate of the said island, to review such assessment, and if such assessment be upon an Out-island, then it shall be lawful for such person to apply to the Stipendiary and Circuit Magistrate appointed, or to be hereafter appointed, under the Act of Assembly, 48 Victoria chapter 16, who may first arrive at such Out-island, on circuit duty, after notice has been delivered by such person to the assessor that the assessment is disputed.

Disputed assessments provided for.

V. It shall be lawful for the Police Magistrate of the Island of New Providence, and for the said Stipendiary and Circuit Magistrate as aforesaid, upon application made under the preceding section, to fix a day for reviewing such assessment, and to give reasonable notice to all parties thereto, and such Police Magistrate, or Stipendiary and Circuit Magistrate as aforesaid, may proceed *ex parte* after such notice to deal with such assessment, and either to alter or affirm the same, and in case of any alteration such assessment shall be corrected, and, when corrected, shall be final, binding and conclusive on all parties and for all purposes whatever.

Police Magistrate and Stipendiary and Circuit Magistrate to review disputed assessments.

VI. If after an assessment has been returned, any change should take place in the tenant of the property in respect of which an assessment shall have been made, the outgoing tenant shall be liable only for the quarter's tax which accrued due during his tenancy, and the incoming tenant shall not, by reason of his not being the person originally assessed, be exempt from the payment of the whole, if the change of tenancy took place between the first day of May and the first day of July, or any future portion of the assessed tax, but such incoming tenant shall, so far as relates to the amount of tax accruing during his tenancy, and the liability to the payment of the same, be held to be the person originally assessed in respect thereof.

Liability of outgoing and incoming tenants.

VII. In cases of unoccupied property at the time of assessment, which may nevertheless be liable to assessment, and there being no tenant to assess, the tenant who may occupy the same during any part of the current year of assessment, shall be liable to the payment of the accruing tax in the same manner as if he had been originally assessed in respect thereof.

Tenant not originally assessed liable.

VIII. The taxes hereinbefore made payable shall, in case the property in respect of which the same shall have been assessed be situate in the Island of New Providence, be payable at the Public Treasury, in the city of Nassau, and if situate at an Out-island, shall be payable to the collector of revenue for the island in respect of which they shall have been assessed, and if any owner or tenant shall omit or neglect to pay such tax for a period of ten days after the same shall have become due, it shall be lawful for the Receiver-General at Nassau, and the Resident and Assistant Resident Justices at the Out-islands, and they are hereby required forthwith to cause proceedings to be taken to

Where taxes to be paid.

How notice may
be served.

recover the amount of such taxes in the name of the Receiver-General in any Court having jurisdiction to the amount.*

IX. In any case in which, under this Act, it shall be required that any notice shall be given to any person, it shall be sufficient that such notice shall be left at the last place of abode of such person, and in case of the absence from the colony of any owner or tenant who shall be liable to the payment of any tax under this Act, and it shall become necessary to take proceedings for the recovery thereof, and personal service of process cannot be made, it shall be lawful for the Court out of which such process may issue, to order such substituted service of such process as may seem just, and thereupon to proceed in all respects as if the defendant or defendants had been personally served.

Party suing
under this Act
must first pay
taxes due.

X. No goods or chattels, lands or tenements belonging to any person or persons who may be assessed under this Act, shall be liable to be taken by virtue of any execution or other process, or by virtue of any assignment, unless the party at whose suit such execution, or to whom such assignment shall be made, shall pay, or cause to be paid, all taxes assessed upon the owner, or owners thereof, under and by virtue of this Act, and which shall be payable for the year in which such seizure or assignment shall be made.

Penalty for
obstructing, &c.,
assessor.†

XI. It shall be lawful for the assessors to be appointed under this Act at all times in the day time, to enter upon any property liable to assessment, and to remain thereon for a reasonable time for the purpose of viewing the same, and forming an accurate assessment of the value thereof, and any person who shall assault, obstruct or impede any assessor in the execution of his duty, shall be liable, on conviction before any Justice of the Peace, to a penalty not exceeding five pounds, or to be imprisoned with or without hard labour for any term not exceeding six months.

Rules for receiv-
ing assessments,
how framed.

XII. The proceedings upon any application to review any assessment under this Act shall be governed by such rules and regulations as may from time to time be framed by the Governor in Council for that purpose, which rules and regulations shall have the force and effect of law.

Expenses of
assessment
regulated.

XIII. All expenses to be incurred in assessing and collecting the taxes imposed by the authority of this Act, shall be regulated by the Governor in Council, and shall be paid out of the Public Treasury in the usual manner, and shall be a special charge on the taxes to be collected under this Act.‡

Duration.

XIV. and XV. Repealed by 54 Vic. c. 13.

XVI. This Act shall continue in force for a period of five years from the passing hereof, and from thence to the end of the then next Session of Assembly.‡

* So much of this section as refers to the Island of New Providence is repealed by 54 Vic. c. 13, *post*, No. 12 of this Class, which makes other provision for collecting the taxes in that island.

† See 14th sec. 54 Vic. c. 13.

‡ Continued in force by 61 Vic. c. 18.

SCHEDULE A.

Schedule.

Assessment of annual rental of property situate in the island of
in respect of which taxes are payable under the authority
of the Act Vic., ch. for the year commencing on the
day of July, 18 , and ending on the 30th June, 18 .

Name and Description of Owner.	Name and Description of Tenant.	Description of Property.	Where Situate.	Annual Rental.	Annual Tax.

SCHEDULE B.

To
Take notice, that under the Act of Assembly, Victoria, cap.
you have been assessed at the sum of £ as the (landlord or tenant)
in respect of at an annual rental of £ , and unless
you dispute the same as is provided for by the said Act, such assessment
will be conclusive for the year ending on the 30th of June, 18 ,
*You are required to pay the above amount in advance by quarterly
payments on the first days of July, October, January, and April, and
if any quarterly payment is in arrear for ten days, proceedings at law
will be taken to recover it.*

(Signed)
Receiver-General
or
Resident or Assistant Resident Justice.

No. 12.

50 Vic. c. 18. An Act to amend "The Assessment Act, 1873."
(Assented to 6th May, 1887.)

I. This Act may be cited for all purposes as "The Assessment Act, 1873, Amendment Act, 1887."

II. The second and third sections of "The Assessment Act, 1873," shall be and the same are hereby repealed.

III. From and after the passing of this Act the taxes imposed by the first section of "The Assessment Act, 1873," shall be payable by half-yearly moieties on the second day of January and the second day of July in every year, on all horses and carriages kept and used in the Island of New Providence, and such moieties may be assessed for such periods on, and shall be paid by any person on whose premises, or in whose possession or use the same may have been during any portion of either

Assessment to be paid half-yearly.

Proviso.

of the periods aforesaid. Provided, that the tax having been once paid on any particular carriage or horse for any half year, such carriage or horse shall not be liable to be reassessed during the same half year, notwithstanding there may have been a change of ownership.

Duty of Receiver-General and Treasurer to appoint assessors.

IV. It shall be lawful for the Receiver-General and Treasurer in every year to appoint one or more fit and proper persons to assess and collect the taxes aforesaid, and to limit and define the district or districts for which such person or persons shall respectively act; and it shall be the duty of every person so appointed impartially to assess all persons within the district or districts assigned to him who are liable to the payment of the taxes aforesaid, and to make out and deliver to the Receiver-General and Treasurer, as soon as practicable after the fifteenth day of June and the fifteenth day of December in every year, a fair and correct return of the assessments made by him up to each of those periods, in such form as may be prescribed by the Receiver-General and Treasurer for that purpose.

Supplemental returns.

V. It shall be the further duty of every such person from time to time between the fifteenth day of June and the fifteenth day of December in every year, and between the fifteenth day of December and the fifteenth day of June succeeding the fifteenth day of December of any year, to make supplemental returns in the form aforesaid, of all persons who may become liable to the payment of the said taxes or either of them, after either of the said days, or who being liable at the time of making up the said half-yearly returns, were omitted from such returns. *Provided, however,* that the said assessor shall not include in any supplemental return any person or persons who may at the time of making such returns have in use, a horse or carriage in substitution for a horse or carriage, upon which taxes for the half-year have already been paid, but which, since such payment, have become unfit for further use.

Proviso.

Declaration to be made to return.

VI. All returns, made as aforesaid, shall be verified by the person making the same by a declaration to be made before a Justice of the Peace in the following form, that is to say:—"I (here insert name of assessor) do solemnly declare that I have indifferently and impartially assessed all and every person liable to be assessed and taxed, under the authority of "The Assessment Act, 1873," and "The Assessment Act, 1873, Amendment Act, 1887," according to the best of my ability and knowledge, and I make this declaration under and subject to the provision of the Act of Assembly for the abolition of unnecessary oaths."

Incorporation.

VII. This Act shall be deemed to be incorporated with "The Assessment Act, 1873," and shall be construed as if the said Act, except such parts thereof as are repealed or amended by this Act, and this Act were one Act.

Exemption.

VIII. Temporary.

IX. In addition to the exemptions granted by "The Assessment Act, 1873," the Governor, or Officer administering the Government, shall not be liable to any tax imposed by the said Act.

No. 13.

53 Vic. c. 10. *An Act to repeal "The Public Fees Collection Act, 1880."* (Assented to 27th March, 1890.)

WHEREAS it is desirable to repeal "The Public Fees Collection Act, 1880," and to provide for the payment of such fees otherwise than by stamps. May it, &c.

Repeals.

I. On and after the first day of June next "The Public Fees Collection Act, 1880," shall be repealed; and all the fees payable in any

Court of Justice or public department or office connected with the Public Service shall from and after that date be payable in money and not in stamps as authorised by such Act.

Fees payable in money instead of stamps.

No. 14.

54 Vic. c. 13. *An Act to amend the Law relating to the Real Property Tax.* (Assented to 5th June, 1891.)

I. The eighth so far as the same refers to the Island of New Providence, and the fourteenth and fifteenth sections of the 49 Vic. c. 9, hereinafter called the principal Act, shall be, and the same are, repealed from the 13th day of June, 1891.

Repeals.

II. On and after the first day of July, 1891, the taxes made payable by the principal Act shall, when the property in respect to which the same shall have been assessed is situate in the Island of New Providence, be collected by one or more fit and proper person or persons to be appointed by the Receiver-General, who is also hereby authorised to limit and define the district or districts for which such persons shall respectively act.

Collectors of taxes to be appointed by the Receiver-General.

III. Every person appointed under the preceding clause shall before entering upon the duty of collecting taxes enter into a bond with two sureties in the sum of one hundred pounds conditioned for the proper performance of the duties imposed upon him by this Act.

Bond to be entered into by collectors.

IV. It shall be the duty of the person or persons so appointed, as aforesaid, diligently and faithfully to demand, collect and receive such taxes as aforesaid, and in case any owner or tenant shall omit or neglect to pay such tax for a period of ten days after the same shall have become due, it shall be lawful for the said person so appointed as aforesaid, and he is hereby authorised to cause proceedings to be taken to recover the amount of such taxes in the name of the Receiver-General in any Court having jurisdiction to the amount.

Duty of collectors.

V. It shall be the further duty of the person so appointed as aforesaid, to pay over to the Receiver-General weekly all sum or sums of money received by him under and by virtue of the provisions of the principal Act and this Act.

Monies to be paid over to Receiver-General weekly.

VI. Every person appointed under this Act as a collector of taxes shall be entitled to receive for his labour and trouble in the said duty ten pounds per centum on the amount of all taxes collected by him and paid into the Public Treasury.

Remuneration to collectors.

VII. It shall be the duty of the Receiver-General, and he is hereby required and directed to keep a separate and distinct account of the monies coming into his hands under the authority of the principal Act and this Act.

Separate account of the monies to be kept by the Receiver-General.

VIII. Such monies shall be applied in providing for the proper and efficient lighting of the streets and squares of the city of Nassau and its suburbs in such manner as may from time to time be authorised and directed by the Board of Public Works for the Island of New Providence.

Monies to be applied in lighting the streets and squares of the city and suburbs.

IX. It shall be lawful for the Governor in Council to issue his warrant on the Public Treasury for payment out of the aforesaid monies of such sum or sums as may be required by the said Board of Public Works for the above purpose.

Warrant of Governor for payment.

X. Any residue of such monies shall be and form a part of the general revenue of the colony.

Residue of monies to form part of general revenue of colony.

XI. All monies received by the collector of revenue of any Out-land in respect of property tax under the principal Act shall be paid

Collectors of revenue at the Out-lands to

pay over taxes to Commissioners of Public Works.

Commissioners of Works to expend the monies in lighting the streets, &c.

Account of the expenditure of monies to be kept by Commissioners.

Repeals.

over by him to the Commissioners of Public Works for the district in which the same has been collected instead of into the Public Treasury as required by the principal Act.

XII. The Commissioners of Works receiving monies under the authority of the 11th section of this Act are hereby authorised and required to expend such monies in the district over which they have jurisdiction in lighting the streets, repairing the roads, or in such other public work as they may deem necessary.

XIII. Such Commissioners shall keep an account of the expenditure of monies received by them under this Act, and shall at the end of every quarter forward to the Auditor-General proper vouchers showing this expenditure.

XIV. So much of the 13th section of the principal Act as provides for payment of the expense of collecting the taxes assessed under such Act within the Island of New Providence is hereby repealed.*

No. 15.

61 Vic. c. 13. *An Act to provide for the licensing of Dogs and for other purposes.* (Assented to 31st May, 1898.)

Short title.

I. This Act may be cited for all purposes as the "Dog Licence Act, 1898."

Owner of dog to be licensed.

II. From and after the commencement of this Act it shall not be lawful for any person to keep a dog unless the owner or person representing the owner of such dog shall have first obtained a licence for so doing from the Receiver-General and Treasurer, and for which the party obtaining the same shall pay the sum of one shilling, under a penalty not exceeding one pound.

Issue of licence.

III. Licences under this Act shall be in such form as may be decided by the Receiver-General and Treasurer, and shall be issued for a year or any part of a year, and shall be issued so as to expire on the first day of January succeeding the date of issue, and must be renewed within fourteen days of that date.

Badge to be supplied and worn.

IV. The Receiver-General and Treasurer when delivering the licence to the party applying therefor shall also deliver to such party a badge of metal, or of such other description as the Receiver-General and Treasurer may determine, marked with the number of the licence so delivered, and the year in which it is issued, which badge shall be placed and suspended around and kept on the neck of the dog for which the licence has been issued during the time which such licence has to run.

Lists of licences to be kept.

V. The Receiver-General and Treasurer shall keep lists of all licences issued by him with the numbers aforesaid, and such lists shall be open to inspection by the commandant or other officer of constabulary.

Dog without a badge to be seized and detained.

VI. It shall be the duty of every police constable to seize any dog not wearing or having on as required by the fourth section of this Act a numbered and dated badge issued under this Act, and convey the same to some convenient place, set apart for the purposes of this section and there detain it for a space not exceeding the space of three days.

Seizure to be notified at police station in Nassau.

VII. Every constable seizing a dog under the preceding section shall within twenty-four hours thereafter notify the fact of such seizure to the officer in charge of the police station in the city of Nassau.

* Continued in force by 61 Vic. c. 18.

VIII. The owner or person representing the owner of any dog so seized as aforesaid, shall be entitled to have the same delivered up on producing or proving to the constable or person detaining such dog the licence therefor, and paying the expenses of its detention at the rate of sixpence per day or any part of a day.

Recovery of dog

IX. When no claim or application is made to the constable or other person as aforesaid for the delivery up of such dog, or in case of claim or application the licence for such dog has not been produced or proved and the expenses of its keep paid within three days from the time of seizure, it shall be the duty of any constable to report such matter to the commandant or other officer of constabulary, who shall at any time thereafter cause such dog to be destroyed.

Unclaimed dog
to be destroyed.

X. All expenses incurred in carrying this Act into execution shall be paid out of the Public Treasury by warrant in the usual manner.

Expenses, how
paid.

XI. This Act shall extend to the Island of New Providence only, and so much of the ninth section of the Act of Assembly, 19 Vic. c. 15, as extends the provisions of such Act to the Island of New Providence is hereby repealed.

Act to apply to
New Providence.

Repeal.

XII. All monies received for licences shall be paid into the Public Treasury.

Taxes to be paid
into the Treasury.

XIII. This Act shall commence and take effect on the first day of January next.

Commencement.

CLASS V.

FEES IN AID OF REVENUE.

No. 1.

35 Vic. c. 17. *An Act for further amending the Law relating to the payment of certain Fees.* (Assented to 23rd May, 1872.)

I. The following fees shall be payable in respect of the several documents hereinafter mentioned by the person in whose favour, or at whose instance any such document may be prepared, to the officer by whom the delivery is made; and such officer shall account for and pay the same over to the Receiver-General and Treasurer, to be applied in aid of the general revenue of the colony, that is to say:—

Fees payable in
respect of certain
documents to cer-
tain officers, and
by them to be
paid to the Re-
ceiver-General.

£ s. d.

On every commission for a place of profit, not being an acting appointment, at the rate of twenty shillings per cent. of the annual value of such office.

On every militia commission 1 4 0

On every testimonial under the Great Seal 0 10 0

Every licence of an attorney to practise 1 0 0

For every document under the Seal-at-Arms not herein specified 0 6 0

II. The said Act of the tenth of Her Majesty's reign, chapter twenty-seven; and the seventh section 12 Victoria, chapter 18, are hereby repealed.

No. 2.

39 Vic. c. 8. *An Act to provide a more equitable scale of Fees to be taken at the office of Registrar of Records.* (Assented to 9th February, 1876.)

Authorizes table
of fees.

I. That the following fees shall be payable at the office of Registrar of Records, viz. :—

	£	s.	d.
For recording any deed or other instrument or paper of and under 6 folios of 72 words each	0	2	0
For recording any deed or other instrument or paper exceeding 6 folios per folio of 72 words	0	0	6
For recording every common plat or diagram	0	1	6
For recording every irregular plat or diagram	0	5	0
For recording grants of land, leases, and other papers from the Crown, if under 8 folios	0	4	0
Do. do. do. for every folio exceeding 8	0	0	6
For recording every appraisement of the estate of a deceased person, if under 8 folios	0	4	0
Do. do. do. for every folio exceeding 8	0	0	6
For recording every return of the personal estate of a deceased person, if under 8 folios	0	4	0
Do. do. do. for every folio exceeding 8	0	0	6
For recording every certificate of naturalisation, if under 8 folios	0	4	0
Do. do. do. for every folio exceeding 8	0	0	6
For copies of all documents on record, if such documents shall be under 8 folios	0	4	0
Do. do. do., if exceeding 8, for every folio	0	0	6
For copies of registers of births, deaths, and marriages	0	2	6
For every Registrar's certificate under his seal of office	0	1	0
For each search in the Registrar's office (except when made by or at the instance of a public officer in a matter connected with the public service)	0	1	0
On every marriage licence	1	0	0

* On letters testamentary and administrative:

When the estate and effects for or in respect of which such letters testamentary or of administration respectively shall be granted, shall be under the value of £10	0	4	0
Of the value of £10 and under £20	0	6	0
" " 20 " " 30	0	8	0
" " 30 " " 50	0	12	6
" " 50 " " 100	1	0	0
Over £100, £2 per centum.			

With a Will.	Without a Will.
£ s. d.	£ s. d.
0 4 0	0 5 0
0 6 0	0 8 0
0 8 0	0 10 0
0 12 6	0 16 0
1 0 0	1 2 6

All which fees for recording shall be paid to the Registrar before the deed or other paper in respect of the recording of which they are receivable is entered of record, and all fees received by the Registrar shall be paid by him over to the Receiver-General and Treasurer, to be applied in aid of the general revenue of the colony.

* See 4th sec. 62 Vic. c. 14.

II. The eighteenth section of the Act 25 Victoria, chapter 15, and the Act 33 Victoria, chapter 10, shall be and the same are hereby repealed.

Repeals former tables of fees.

No. 3.

43 Vic. c. 10. *An Act to legalize the commutation of Fees hitherto payable to the officers of certain Courts of the Colony.* (Assented to 2nd April, 1880.)

I. From and after the first day of January, 1881, the several amounts set and placed opposite the respective offices named in the Schedule to this Act shall be payable out of the Public Treasury of these islands, in monthly payments by warrant in the usual manner, to the respective holders of such offices and *their successors in office* in addition to any salary now attached by law to such offices, respectively, such additional salary being a commutation of the right of the persons respectively holding such offices to receive, take, or demand and apply to their personal use any fee which prior to the passing of this Act such persons could retain, by virtue of their office, all fees which prior to this Act were collected by the officers in the schedule hereto for their own use, shall continue to be collected by the Registrar and Clerk of the respective Courts in the said Schedule mentioned, and by them paid into the Public Treasury of these islands, to be applied in aid of the general revenue. *Provided always*, that it shall be lawful for the Provost Marshal, anything in this Act contained notwithstanding, to employ as heretofore deputies for the service of writs, and in levying on real and personal estate in the Island of New Providence and the Out-islands; and such deputies shall be entitled to receive in money the fees payable for the services so rendered, according to any tariff for the time being in force.

Authority to commute certain officers' fees.

II. Nothing in this Act contained shall be construed to entitle such officers *and their successors in office* to an increase of any pension allowed by law.

Not to increase pension.

III. This Act may be shortly cited as "The Fees' Commutation Act, 1880."

Title.

SCHEDULE.

	£	s.	d.	Schedule.
Chief Justice	24	0	0	
Ex-officio Registrar of Equity side of General Court and Registrar in Ordinary	20	0	0	
Prothonotary and Clerk of Crown in General Court and Ex-officio Registrar of Courts of Bankruptcy, Divorce, and Matrimonial Causes respectively, and Ex-officio Clerk Common Pleas	42	0	0	
<i>Provost Marshal of Bahamas and General Court in its Criminal, Common Law, and Equity Side, Ex-officio Marshal Court of Bankruptcy and of the Court of Divorce and Matrimonial Causes.</i>	80	0	0	
Crier of the General Court in its various jurisdictions above-mentioned; the Crier and Usher of the Court of Bankruptcy, and Crier of Court for Divorce and Matrimonial Causes*	6	0	0	

* The 13th sec. of 58 Vic. c. 32, *post*, No. 5 of this Class, enacts that in reading hereafter this Act the words and figures set out therein in italics shall be omitted. The offices of Chief Justice and Prothonotary, &c., are now filled by persons appointed thereto since the passing of the 58 Vic. c. 32, who therefore receive no allowances under this Act. The only persons receiving allowances under this Act are the Registrar of Records who was *ex officio*, Registrar of Equity Side of General Court and Registrar in Ordinary on the passing of 58 Vic. c. 32, and Crier of the Supreme Court, who also held office at that time.

No. 4.

58 *Vic. c. 24. An Act regulating the mode of dealing with the Fees received by certain officers of the Colonial Court of Admiralty.* (Assented to 7th June, 1895.)

Fees due certain officers of the Colonial Court of Admiralty to be collected by Registrar of the Court and paid into the Public Treasury.

Receiver-General to receive monies and to deal with the same as directed.

Sums equivalent to be paid from Public Treasury to certain officers of the Colonial Court of Admiralty.

Proviso.

I. From and after the passing of this Act it shall be the duty of the Registrar of the Colonial Court of Admiralty to collect the fees which from time to time may be due and receivable by the Judge Registrar and Marshal of the said Court and by the Advocate-General, and to pay the same into the Public Treasury of these islands.

II. It shall be the duty of the Receiver-General and Treasurer to receive all monies authorised by the preceding section to be paid into the Treasury and to deal with the same as hereinafter directed.

III. It shall be lawful for the Governor by warrant to direct the Receiver-General and Treasurer to pay out of the Public Treasury sums equivalent to such fees as aforesaid to Judge Registrar Marshal or Advocate-General as aforesaid on presentation of a certificate in writing signed by the Chief Justice and the Registrar of the said Court, and showing what fees as aforesaid have been paid into the Treasury as aforesaid. *Provided* that the provisions of this section shall not apply to any future holders of the offices of Judge Registrar or Advocate-General as aforesaid.

No. 5.

58 *Vic. c. 32. An Act for prospectively reducing the fixed Expenditure of the Colony and for other purposes.* (Assented to 14th June, 1895.)

Prospectively abolishes commuted allowances.

XIII. The allowance made to the persons holding the offices respectively named in the Schedule to "The Fees Commutation Act, 1880," shall only be payable to the holders of such offices as may now be in receipt of the same, anything in the said Act to the contrary notwithstanding, and in reading hereafter the said Act the words "and their successors in office" therein: and the words and figures "Provost Marshal of Bahamas and General Court in its Criminal, Common Law and Equity Side, *ex-officio* Marshal Court of Bankruptcy and of the Court of Divorce and Matrimonial Causes . . . £80" in the Schedule thereof shall be omitted.

No. 6.

62 *Vic. c. 14., sec. 4.*

Directs mode of payment of probate duty.

IV. The duty imposed by the said first section of the principal Act on letters testamentary and administrative shall hereafter be designated probate duty, and shall be paid by the executor or administrator to whom letters testamentary or of administration have been granted over to the Receiver-General and Treasurer to be applied in aid of the general revenue of the colony.

NOTE.—In addition to the foregoing, fees in aid of revenue are collected by the Registrar of the Supreme Court and by salaried magistrates.

CLASS VI.

PILOTAGE, BOATMEN, AND QUARANTINE.

No. 1.

13 Vic. c. 1. *An Act for regulating the Pilotage of the Roads and Anchoring Places in and about the Island of Inagua.* (August 23rd, 1849.)

I. That it shall be lawful for the Governor or officer administering the government of the colony from time to time to fix and declare, by Order in Council, the fees of pilotage which shall be chargeable for piloting vessels into the different roads, anchorages or harbours, in and about the Island of Inagua, and the fees so fixed and determined shall, after the commencement of this Act and during its continuance, be payable by the master or owner of every vessel (droghers and coasters belonging to these islands excepted) to the pilot duly licensed, who shall take charge of such vessel for the purpose of conveying her into any of the said roads, anchorages, and harbours, as the case may be.

Rates of pilotage regulated.*

II. That the same fees shall be allowed and paid for piloting any vessel out of the said roads and places of anchorage as are allowed, by any such Order in Council, for piloting any such vessel into the same.

Rates of pilotage the same for taking a vessel out of port as for piloting her in.

III. That in case any pilot, or any person employed by him, shall remain on board any vessel arriving at the island aforesaid, at the request of the master or other person having charge of the same, he shall be paid at the rate of eight shillings for every twenty-four hours he shall remain on board of such vessel.

Fee to pilot for extra service.

IV. That the consignee of every vessel in respect of which fees of pilotage shall be payable under this Act, shall be and is hereby declared to be liable to pay the said rates and fees to the pilot on default of payment thereof by the master or owner of any such vessel as aforesaid, provided such pilot shall deliver to such consignee an account of his fees, previous to the departure of such vessel from the said island.

Consignee of vessels liable for fees.

V. That it shall be lawful for the Governor or officer administering the government for the time being, to appoint three persons as Commissioners of Pilotage for the said Island of Inagua, and they, or any two of them, are hereby empowered to carry this Act into execution; and whenever any vacancy or vacancies shall from any cause at any time occur in the said body of Commissioners, the same shall be filled up by the appointment of one or more person or persons, as the case may require, by the authority aforesaid; and it shall be lawful for the said Commis-

Governor to appoint Commissioners.

* By Order in Council of 15th March, 1893, the following rates of pilotage were fixed for the Island of Inagua:—

				£	s.	d.
On vessels of 30 and not over 50 tons burthen ...	...	...	...	0	8	0
" over 50 " " 75 " " " " " " "	...	...	...	0	10	0
" " 75 " " 100 " " " " " "	...	...	...	0	12	0
" " 100 " " 150 " " " " " "	...	...	...	0	15	0
" " 150 " " 200 " " " " " "	...	...	...	1	0	0
" " 200 " " 250 " " " " " "	...	...	...	1	5	0
" " 250 " " 300 " " " " " "	...	...	...	1	10	0

and for every 20 tons over 300 at the rate of one shilling. Provided that the pilotage fees charged upon steam vessels shall in no case exceed two pounds in all.

Double the above rates for piloting vessels into "Alboys Hole," "Alfred Sound," and "Man-of-War Bay" anchorages.

(The employment of a pilot is not, however, compulsory. See 62 Vic. c. 5, *post*, No. 18 of this Class.)

Commissioners
to make rules.

sioners to make all needful rules and regulations, subject to the approval of the Governor or other officer administering the government as aforesaid, and to issue orders from time to time for the government of the pilots in the discharge of their respective duties, and to establish penalties, with the like approval, for the non-observance or the violation of the said rules, regulations, and orders.

Appointment of
pilots regulated.

VI. That it shall be lawful for the Governor or officer administering the government for the time being, to appoint from time to time by warrant, under his hand and seal-at-arms, as many persons whose capabilities shall have been ascertained by strict examination before the Commissioners of Pilotage, and duly certified by the said Commissioners, as shall be deemed adequate to the commerce of the said island, to be pilots of the harbours, roads, and anchorages thereof; and no pilot so appointed shall, during the period he shall hold such appointments, absent himself from the said island without the permission of the Commissioners of Pilotage, under a penalty of twenty pounds: Provided always, that every person who may have already been appointed a pilot for the said island shall and may lawfully continue to act as such without a new appointment.

Pilots *ex-officio*
harbour-masters.

VII. That such pilots as aforesaid shall and lawfully may perform and execute all and singular the duties of a harbour-master, and shall be deemed the proper persons to be employed for the removal of any vessel required to be removed from one anchorage to another, and shall for such service be entitled to have and receive from the owner or master of any such vessel a fee equal to a moiety of the fee for the pilotage of any such vessel, and shall have the same remedies against the master, owner, or consignee of the vessel, for the recovery of such fees as are by this Act given for the recovery of pilotage fees.

Pilotage rates to
be conspicuously
posted in the
office of Colonial
Receivers.

VIII. That the rates of pilotage fees fixed under the authority of this Act shall be printed under the direction of the Commissioners of Pilotage, and copies thereof posted on boards or cards, to be by them placed conspicuously in the office of the Receiver of Colonial Duties at the said island; and each pilot on boarding a vessel, if required to do so by the master or person commanding the same, shall show a card of the said rates, together with his warrants, under a penalty not exceeding two pounds.

Pilots' boats to
be numbered.

IX. That each licensed pilot shall have the number of his boat legibly painted on her bows and on her mainsail; and when cruising for or proceeding towards any vessel, shall display the pilot's flag.

Licensed pilots
may have two
apprentices, who
after five years'
service entitled
to a preference
as pilots.

X. That each licensed pilot may have indentured to him two apprentices, who must be duly instructed by the said pilot in every particular connected with his duties; and the said apprentices shall be examined once every year by the Commissioners touching their qualification, and after five years' service shall, being fitly qualified, and having obtained a certificate to that effect from the said Commissioners, be entitled to a preference for appointment as licensed pilots.

Certificates of
qualification to
be granted only
at meetings of
Commissioners
of Pilotage duly
called.

XI. That it shall not be lawful for the Commissioners of Pilotage to grant a certificate of qualification and recommendation for the appointment of any pilot, except at a meeting of Commissioners called for that purpose, and of which every Commissioner in the island at the time shall have had due notice; nor shall any such certificate be granted until a strict examination shall have been made by the said Commissioners, or by two of them, assisted by one or more of the senior pilot or pilots, or other person or persons competent to aid the said Commissioners in making such examination into the competency, skill, and experience of the applicant or applicants for any such appointments, particularly touching his or their knowledge of the tides, and the bearings and distances of the shoals, rocks, bars, points of land, banks, shallows, and other dangers of navigation, into the before-mentioned harbours and anchorages; and every such certificate shall be signed by at least three of the said Com.

missioners of Pilotage, or if more than five Commissioners be present at any such meeting, then by a majority of those so present, otherwise the same shall be of no validity.

XII. That it shall not be lawful for any pilot licensed under the authority of this Act to perform the duties of his office otherwise than in person, except in cases where an apprentice of any such pilot may be specially authorised by the Commissioners to act for his master.

Pilots to perform duty in person.

XIII. That if any difference shall arise between any master, owner, or consignee of any vessel, and any such pilot or pilots as aforesaid, about or concerning any fees, or any other matter or thing relating to his or their business or duty as pilot or pilots, or if any dispute or difference shall arise respecting the burthen of any vessel, or any complaint shall be made of damage done by one vessel to another, such dispute or matter in difference, and complaints, may be heard, tried, and determined by the said Commissioners in a summary way: Provided the amount of damages demanded shall not exceed fifty pounds; and the sum or damages by them awarded to the party complaining shall be immediately levied by warrant of distress, under the hands and seals of the said Commissioners, on the goods and chattels of the person or persons against whom such judgment shall be given; and in case there shall not be found any goods and chattels, the body of the person against whom such warrant shall have been issued shall be taken in execution and committed to the common gaol, there to remain until the damages aforesaid shall be satisfied, or until he shall otherwise be discharged by due course of law.

Disputes as to charges, how settled.

XIV. AND WHEREAS, it is highly expedient that convenient and proper boats should be provided by the several pilots, for the purpose of going out to vessels on every occasion of necessity or emergency: Be it therefore enacted, that every such pilot shall forthwith provide himself with a proper boat or boats, to be approved of by the Commissioners, and at all times keep and preserve such boat or boats in good order, properly manned and equipped for service, and with the same so fitted, manned, and equipped, shall be always ready to go out and proceed to take charge of vessels whenever necessary and practicable.

Pilots to keep proper boats to be approved of by the Commissioners.

XV. That in case any such pilot shall neglect to provide himself with a proper boat or boats, as hereinbefore directed, or shall neglect to keep such boats in good and complete repair and order, or to find and provide proper able-bodied men for the management thereof, upon conviction of such neglect before such Commissioners, such pilot so offending shall forfeit for every offence a sum not exceeding five pounds, at the discretion of the said Commissioners, to be levied by warrant under the hands and seals of the said Commissioners.

Penalty for not providing boat and hands, and for neglect of duty.

XVI. That the Commissioners of Pilotage may, with the approval of the Governor in Council, deprive any pilot of his warrant or licence for the wilful infringement of any regulation or order of the said Commissioners or violation of his duty, or for continued negligence or habitual intemperance: Provided due notice be given to such pilot, and an opportunity be afforded him of being heard in his defence: and if such pilot refuse to give up his licence or warrant, public notice shall be given by the Commissioners of the revocation thereof, and any pilot so deprived or whose licence shall have been so publicly revoked, who shall hereafter attempt to act in either of the said capacities, shall be liable to a penalty of one hundred pounds.

Power of Commissioners of pilotage to deprive pilots of their licence, with the consent of Governor in Council.

XVII. That if any master of any vessel liable to take a pilot under this Act shall refuse to take on board any licensed pilot offering himself without the roads and anchoring places as aforesaid, unless there shall already be some other licensed pilot on board of such vessel, such master or commander shall, notwithstanding, on his coming within any such roads or anchoring places be liable to pay the full pilotage as is by this Act allowed to the pilot so offering himself, in the same manner as if the

Vessels refusing to take a pilot liable to full pilotage.

Vessels following another into port liable for half pilotage.

Penalty for demanding higher fees.

Penalty for throwing ballast, &c., into roads, &c.

After ten days' notice anchors to be removed.

Sunken vessels to be removed at the expense of the owners, &c.

Penalty on pilots endeavouring to obtain an agency, &c.

said pilot had boarded her at sea, and brought her into such roads or anchoring places.

XVIII. That any master of a vessel having no pilot on board, but following another vessel with a pilot, either into or out of any of the roads or anchoring places aforesaid, shall nevertheless be liable for and is hereby directed to pay one-half of the rates of pilotage allowed by this Act to the pilot on board such leading vessel as aforesaid.

XIX. That any such pilot demanding or receiving higher rates or fees than are allowed by this Act shall forfeit double the sum so demanded.

XX. That from and after the passing of this Act, it shall not be lawful for any person whomsoever to throw into any part of the said roads or anchoring places, any anchors (except such as may be necessary to anchor any vessel or boat), or any ballast, dirt, or rubbish; and any person offending in the premises shall, upon conviction thereof before the said Commissioners, forfeit and pay a sum not exceeding ten pounds to be levied and made in the same and like manner as is hereinbefore directed in the case of sums or damages recovered before the said Commissioners; and if any master, owner, or consignee of any vessel shall have occasion to take out the ballast of such vessel, such ballast shall be placed by such master, owner, or consignee on board of some other vessel, or shall be conveyed to such place as the Commissioners may from time to time appoint as a fit and proper place at which ballast shall be discharged and placed; and it shall be the duty of the pilots aforesaid to give information to the Commissioners of every violation of this enactment which may come to the knowledge of such pilots, and any such pilot conniving at or concealing any such violation shall forfeit and pay a sum not exceeding ten pounds, to be recovered in manner aforesaid.

XXI. That all anchors now lying, or which at any time hereinafter may be left in the said roads or anchoring places, shall be taken up and removed by the owner and owners thereof within ten days after notice given by the said Commissioners, and should such notice be disregarded for the space of three days, then and in such case it shall be lawful for the said Commissioners, and they are hereby authorised and required to cause the same to be taken up and removed at the expense and charge of the owner or owners thereof, and on neglect or refusal to pay such expenses, it shall be lawful for the said Commissioners to cause such anchors to be disposed of at public sale, giving three days' notice, and restoring the overplus, if any shall remain over and above the charges of taking up and sale as aforesaid, to owner or owners thereof.

XXII. That if the owner or owners, or master of any ship, boat or other vessel shall suffer the same to sink in the roads or anchoring places, or to remain on shore, or otherwise to become a nuisance, the said Commissioners shall notify the same to him or them, and require the same to be removed without delay; and in case any such nuisance is not abated, or every necessary means and exertions made to effect the same to the satisfaction of the Commissioners, such owner or owners, or master shall forfeit for every such offence a sum not exceeding twenty pounds, over and above the expenses of abating such nuisance, which the Commissioners are hereby authorised to do, at the costs and charges of any such owner or owners, which penalty and charges shall be levied by warrant under the hands and seals of the said Commissioners; and the said Commissioners are hereby authorised and empowered to appoint a proper place or places where all wrecks and condemned vessels shall be laid on shore and broken up, and from time to time to give such directions as they may think proper for the purposes aforesaid.

XXIII. That if any such pilot as aforesaid, whilst on board of any vessel in or for the discharge of any of the duties required of him by

this Act, shall directly or indirectly by himself or by or through means of any servant or other person employed by him on board of any such vessel, obtain or endeavour to obtain from the master or supercargo of any such vessel, or from any other person on board of any such vessel, any preference to be given to himself or to any other person or persons, either in the sale of salt, or in the agency of any such vessel, or in any other matter, business or work connected with or relating to commerce, every pilot so offending shall for every such offence forfeit and pay a fine not exceeding twenty pounds.

XXIV. That all fines, forfeitures and penalties, the recovery of which is not hereinbefore provided for, may be recovered before the said Commissioners, who may issue their warrant or warrants, and bring the party offending before them for examination; and the Commissioners as aforesaid are respectively required, upon information, to hear and determine the same on the oath of any credible witness or witnesses, which oath or oaths the said Commissioners are hereby authorised to administer; and on conviction of the offender or offenders, him or them to commit to the public gaol, there to remain without bail or mainprize until full payment and satisfaction be made for the fines, forfeitures and penalties as aforesaid: Provided always, that such confinement shall in no case exceed the term of two months.

Fines, how recovered.

XXV. That the said Commissioners shall on or before the eighth day of January in every year deliver to the receiver of colonial duties at Inagua a just account of all monies which during the preceding year shall have come into their hands by virtue of this Act, which monies shall be by them applied to defray the expenses of making such improvements in the roads or anchoring places, as the said Commissioners shall think proper.

Commissioners to render an annual account, &c.

XXVI. That it shall be lawful for the said Commissioners to order and direct the pilots aforesaid to make a report to them in writing within six months from and after the passing of this Act, and every six months afterwards (if by the said Commissioners deemed necessary) of the several soundings or depths of the different channels of the aforesaid roads or anchoring places.

Pilots to report on soundings, &c.

XXVII. That if any suit or action shall be prosecuted against any person or persons for anything done in pursuance of this Act, such person or persons may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done by authority of this Act; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited or discontinue his, her or their action after issue joined, or if upon demurrer or otherwise, judgment shall be given against such plaintiff or plaintiffs, the defendant or defendants shall have double costs, and have the like remedy for the same as any defendant hath by law in other cases.

Persons sued may plead the general issue.

XXVIII. That the third section of an Act of the General Assembly of these islands passed in the twelfth year of Her Majesty's reign, entitled "An Act to provide for the better administration of justice at the Island of Inagua, and for other purposes," shall be and the same is hereby repealed.

Act of Assembly repealed.

No. 2.

14 Vic. c. 21. *An Act for regulating the Pilotage of New Providence and for extending to certain Out-islands of the Government the provisions of the Inagua Pilotage Act. (May 1st, 1851.)*

Commissioners
of Pilotage.

THAT on the passing of this Act, and afterwards, yearly, or oftener, if he shall think fit, it shall be lawful for the Governor, or officer administering the government of the said islands for the time being, to appoint seven persons to be Commissioners of Pilotage, and to appoint one of the said persons to be the Chairman of the said Commissioners; and the said seven persons, or any three of them, one of whom shall be the said Chairman, are hereby empowered to carry into effect the provisions of this Act, and to discharge the duties and exercise the powers and authority vested in Commissioners of Pilotage by this or any other law or laws of this colony.

Rules may be
made for govern-
ment of pilots
and harbour-
master, masters
of vessels, &c.

II. That it shall be lawful for the said Commissioners from time to time to make all needful rules and regulations for the government of the pilots and harbour-master in the discharge of their respective duties, and for the government of all masters of vessels, seamen and other persons employed in or making use of any of the several harbours and anchorages in and about the Island of New Providence; and all such rules and regulations, when approved by the Governor in Council, shall have the force and effect of law, and shall be printed for public information.

Limits of har-
bours and an-
chorages to be
defined.

III. That it shall be lawful for the said Commissioners to define in writing under their hands, the limits of the several harbours and anchorages in and about the Island of New Providence, which limits so defined shall be, when sanctioned by the Governor in Council, the limits of the said harbours and anchorages, and shall be published for general information.

Disputes, how
settled.

IV. That if any difference shall arise between any master, owner, or consignee of any ship or vessel, and any pilot or pilots, or harbour-master, concerning any fees, or any other matter or thing relative to his or their duties as pilot or pilots, or harbour-master, or between any pilots as to their right to any fees, or as to the performance of their duties, or if any dispute or difference shall arise respecting the burthen of any vessel, or if any complaint shall be made of damage done by one vessel to another, such dispute, difference, or complaint may be heard, tried, and determined by the said Commissioners in a summary manner, and the award and decision of the said Commissioners so given shall be final and conclusive; Provided that the sum or damages demanded shall not exceed the sum of twenty pounds.

Damages
awarded, how
recovered.

V. That if upon such hearing an award shall be made, the sum or damages awarded shall be forthwith levied by warrant of distress under the hands and seals of the said Commissioners, upon the goods and chattels of the person against whom such award shall be made, together with the same and like costs as are now chargeable upon the issuing of process out of the police court, and all costs so recovered, with the exception of the fees to the constable, shall be paid into the Public Treasury in aid of the expenses of this government, and in case no goods and chattels can be found, the amount awarded, together with the costs, shall in case of pilotage fees, be levied on the ship or vessel in respect of the service to which such fees are awarded.

Rules to be
framed for con-
ducting judicial
proceedings.

VI. That it shall be lawful for the said Commissioners from time to time, to draw up rules for conducting all judicial proceedings which may take place before them, by virtue of this Act, which rules, when approved by the Governor in Council, shall govern all such judicial proceedings, and such Commissioners shall have the same powers to compel the attendance of witnesses as are conferred on justices of the peace by

an Act of the General Assembly of these islands, passed in the twelfth year of Her Majesty's reign, entitled "An Act to facilitate the performance of the duties of justices of the peace with respect to summary convictions," and are hereby authorised to examine on oath, not only the witnesses but the parties to the suit, whether plaintiff or defendant.

VII. That it shall be the duty of the constable of the police court to serve all summonses, warrants, and executions issued by the said Commissioners of Pilotage.

Duty of constable of police court to serve process.

VIII. That the Commissioners of Pilotage may, with the approval of the Governor in Council, deprive any pilot or harbour master of his warrant or licence for the wilful infringement of any regulation or order of the said Commissioners, or violation of his duty, or for continued negligence or habitual intemperance: Provided due notice be given to such pilot or harbour master, and opportunity afforded him of being heard in his defence; and if such pilot or harbour-master refuse to give up his licence or warrant, public notice shall be given in the several newspapers of the Island of New Providence by the Commissioners of the revocation thereof, and any pilot or harbour-master so deprived, or whose licence shall have been so publicly revoked, who shall thereafter attempt to act in either of the said capacities, shall be liable to a penalty of fifty pounds.

Power of Commissioners of Pilotage to deprive pilots of their licence with the consent of the Governor in Council.

IX. That the Commissioners shall cause buoys to be laid down, and adopt such other means as may be found necessary and practicable for the security of the harbours and pilotage of New Providence; and for this purpose may, from time to time, with the consent of the Governor in Council, incur any reasonable expense for such purpose, for the amount of which the said Governor is hereby authorised to issue his warrant in the usual manner.

Buoys laid down and measures adopted for security of harbours, &c.

Necessary expenses authorised.

X. That it shall be lawful for the Governor to appoint from time to time, by warrant under his hand and seal at arms, as many persons (whose capability shall have been ascertained by strict examination before the Commissioners of Pilotage, and duly certified by the said Commissioners) as shall be deemed adequate to the commerce of the Island of New Providence, to be pilots of the harbours and anchorages of the said island, and no pilot so appointed shall, during the period he shall hold such appointment, absent himself from the said island without the permission of the Commissioners of Pilotage under a penalty of twenty pounds: Provided, however, that it shall be lawful for the person or persons at present holding the office of pilot or pilots to continue to act as such pilot or pilots under this Act, without being obliged to take out a new licence unless the licence at present held by him shall be revoked by the Governor or Commander-in-Chief for the time being.

Appointment of pilots.

XI. That each licensed pilot may have indented to him two apprentices, who must be duly instructed by the said pilot in every particular connected with his duty. And the said apprentices shall be examined once every year by the Commissioners, touching their qualification, and after five years' service shall, being fitly qualified, and having obtained a certificate to that effect from the said Commissioners, be entitled to a preference for appointment as licensed pilots.

Each licensed pilot may have two apprentices, who after five years' service to be entitled to a preference as pilots.

XII. That it shall not be lawful for any pilot licensed under the authority of this Act to perform the duties of his office otherwise than in person, except in cases where an apprentice of any such pilot may be specially authorised by the Commissioners to act for his master.

Pilots to perform their duties in person. Exceptions in certain cases.

XIII. That it shall not be lawful for the Commissioners of Pilotage to grant a certificate of qualification and recommendation for the appointment of any pilot or harbour-master, or deputy harbour-master, except at a meeting of Commissioners called for that purpose, and of which every Commissioner in the Island of New Providence shall have

Certificates of qualification to be granted only at meetings of Commissioners of pilotage duly called for the purpose.

had at least twenty-four hours' notice; nor shall any such certificate be granted until a strict examination shall have been made by the said Commissioners, or by two of them, assisted by one or more of the senior pilot or pilots, or other person or persons competent to aid the said Commissioners in making such examination into the competency, skill, and experience of the applicant or applicants for any such appointment, particularly touching his or their knowledge of the tides, and the bearings and distances of the shoals, rocks, bars, points of land, banks, shallows, and other dangers of the navigation into the before-mentioned harbours and anchorages of New Providence; and every such certificate shall be signed by at least three of the said Commissioners of Pilotage, or if more than five Commissioners be present at any such meeting, then by a majority of those so present, otherwise the same shall be of no validity.

Pilots to give bond.

XIV. That it shall not be lawful for any pilot licensed under and by virtue of this Act to enter upon the discharge of the duties of a pilot unless he shall have first entered into bond (to be renewed as often as the Governor, Lieutenant-Governor, or other officer administering the government for the time being shall require) to Her Majesty, her heirs and successors, with two or more good and sufficient sureties in the sum of fifty pounds, conditioned for the due performance of the duties of his office, which bond shall be taken by the secretary or deputy or acting secretary of these islands, who after having recorded the same shall keep it in his custody: and any pilot who shall enter upon the discharge of his duties as a pilot as aforesaid without first entering into such bond and giving such security as aforesaid, shall for every offence forfeit and pay the sum of fifty pounds, and such sum when recovered shall be applied towards defraying the expenses of this government.

Pilot answerable for damages from neglect.

XV. That if, through neglect of any such pilot or harbour-master, or of any servant or servants of any such pilot or harbour-master, any ship or other vessel shall receive any damage, or be stranded, or lost, such pilot or harbour-master shall be obliged to answer and make good to the sufferer or sufferers all such damages as he, she, or they may sustain through such neglect as aforesaid,

Pilot liable for all damages through neglect.

XVI. That in case any person or persons shall suffer any damage through the neglect or default of any pilot, or of any servant or servants employed by any such pilot, it shall and may be lawful for the person or persons injured thereby to commence an action at law against such pilot; and if upon verdict obtained, and after judgment shall be entered up and execution issued thereon, it shall appear by the return to such execution that the defendant hath no goods, chattels, lands, or tenements, or not sufficient goods or chattels, lands or tenements, by which the amount of damages and costs adjudged to the plaintiff or plaintiffs in such suit can be made; then and in such case the sureties in such pilot's bond named shall be considered as special bail to the action, and it shall and may be lawful to proceed against them in manner and form as is practised in the General Court of these islands against special bail in civil actions.

XVII. Repealed by 43 Vic. c. 6.

Printed copies of rates of pilotage to be affixed in offices of Receiver-General and Public Secretary.

XVIII. That the rates of pilotage fees for the harbours and anchorages of New Providence by this Act authorised and appointed shall be printed under the direction of the Commissioners of Pilotage, and copies thereof, posted on boards or cards, be by them placed conspicuously in the office of the Receiver-General and Treasurer, and Colonial Secretary; and each pilot on boarding the vessel if required to do so by the master or person commanding the same, shall show a card of the said rates, together with his warrant, under a penalty not exceeding two pounds.

XIX. That if any vessel shall be brought to and anchored by any licensed pilot outside of the bar of Nassau Harbour, the said pilot shall be entitled to demand and receive for such service from the master, owner, or consignee thereof, only one-half of the pilotage-fee to which the said vessel would have been liable on being taken into the said harbour: Provided, however, that when any such pilot shall be required to remain on board of any such vessel after having brought the same to anchor, or to remain on board after the said vessel might have been so brought to anchor had the master or person in command of such vessel been desirous that the same should be done (except when a vessel may have to wait for the tide in order to enter the said harbour, or one of the anchorages in the preceding section mentioned), such pilot shall, in either case, be entitled to and shall be paid by the master, owner, or consignee thereof, in addition to the pilotage fee above-mentioned, one shilling sterling per hour for every hour the said pilot shall be so detained, and shall remain on board of such vessel.

A moiety payable when anchored outside of the bar of Nassau Harbour.

XX. That if any master or commander of any ship or other vessel (droghers, coasters, and vessels of war excepted) shall refuse to take on board any licensed pilot offering himself without the bars of the harbours aforesaid, unless there shall already be some other licensed pilot on board such ship or other vessel, such master or commander shall nevertheless, on his coming within any such harbour, be liable to pay the pilotage-fees by this Act allowed to the pilot so offering himself and being refused, in the same manner as if such pilot had boarded such ship or other vessel at sea, and piloted her into such harbour.

Pilot, though refused, entitled to his fees.

XXI. That the master or owner of any ship or vessel having no licensed pilot on board, which shall follow out of or into any of the harbours or anchoring places aforesaid, any ship or other vessel having a licensed pilot on board, shall be liable for and is hereby required and directed to pay to the pilot on board such leading ship or vessel as aforesaid one-half of the rates of pilotage allowed by this Act.

Half fees payable where vessels follow into port a vessel having a licensed pilot. Further duty of pilot.

XXII. That it shall be the duty of the pilot taking charge of any vessel for the purpose of bringing her into the port of Nassau, to convey her to any distance within the limits thereof which may be practicable, and if such pilot shall from the state of the wind or tide, or from any other cause, save and except the orders of the master or officer in charge, be obliged to anchor such vessel without the limits aforesaid, he shall as soon as practicable, if required by the master or officer in charge, and without any additional fee, convey such vessel within the same.

Further duty of pilot.

XXIII. That if any vessel shall leave the harbour of Nassau, or any other anchorage of the Island of New Providence, without taking or employing a licensed pilot, the master, owner, or consignee of such vessel shall pay to the Receiver-General and Treasurer double the pilotage fee to which the said vessel (droghers, coasters, and vessels of war excepted) would have been liable; and in default of payment, or the liability of the party from whom the said pilotage fee may have been demanded, being disputed, the matter shall be heard and adjudged by the Commissioners of Pilotage, and recovered under their authority, in the same way and manner as in other cases in which the said Commissioners are authorised to adjudicate.

Penalty on leaving the harbour without a pilot.

XXIV. That the licensed pilot who shall conduct any vessel into any harbour or anchorage of the Island of New Providence shall be privileged to take the same out of the said harbour or anchorage, provided he offer himself to the master or commander of such vessel whenever the same shall be ready to leave the said harbour or anchorage, and in case any other pilot shall have gone on board of such vessel for the purpose of taking the same out of the said harbour or anchorage, such

Privilege of a pilot conducting a vessel into port.

Penalty on masters of vessels giving a false account of the draught of water of their vessels.

Half fees on vessels going from Nassau to out-ports in ballast for salt or suit on return.

Penalty for throwing dirt, &c., into harbour.

Harbour-master to be appointed by commission under the seal.

Duty of harbour-master.

Further duty of harbour-master.

Report of vessels arriving to be made to the Governor.

Regulation to prevent the cables of one vessel overlaying those of another.

other pilot shall give place to the one hereby privileged to take charge of such vessel, or forfeit the pilotage-fee to him.

XXV. That any master or captain of any vessel who shall give to the pilot having charge of such vessel a false account of the draught of water of such vessel, such captain or master shall forfeit and pay to the aforesaid pilot double of such amount of pilotage upon such false account.

XXVI. That in case of vessels proceeding from the port of Nassau in ballast to any of the Out-islands of this Government, for the purpose of loading with salt or fruit, and returning with such cargo to the said port of Nassau for a temporary purpose, before proceeding therewith to some port or place abroad, such vessel shall, on leaving the said port of Nassau for such Out-island port, and on returning as aforesaid to such port, be liable only to half-pilotage and harbour fees.

XXVII. Repealed by 30 Vic. c. 5.

XXVIII. That from and after the passing of this Act it shall not be lawful for any person whomsoever to throw into any part of the harbours in and about the Island of New Providence, between the east end of the said island and the point commonly called Delaport's Point westwardly, and between the west end of Salt Cay and the entrance of Green Cay easterly, any anchors (except such as may be necessary to anchor any ship or other vessel or boat) or any ballast or dirt, and any person offending in the premises shall, upon conviction thereof, forfeit and pay a sum not exceeding ten pounds, and if any master or owner of any ship or other vessel shall have occasion to take out the ballast of such ship or other vessel, such ballast shall be placed on board of some other ship or other vessel, or deposited upon some place above high-water mark, under a penalty of ten pounds for each offence.

XXIX. That the harbour-master for the port of Nassau shall be appointed by commission under the seal-at-arms, and shall hold his office during pleasure.

XXX. That it shall be the duty of the harbour-master of the port of Nassau to board every vessel (droghers and coasters excepted) arriving at the port of Nassau, as soon as practicable after such vessel shall have entered the limits thereof, and to take charge of such vessel as soon as the pilot shall have brought her to an anchor within such limits.

XXXI. That upon the arrival at the port of Nassau of any ship or vessel (droghers and coasters excepted) the harbour-master shall immediately repair on board, and cause such ship or other vessel to be properly moored, and it shall also be the duty of such harbour-master to furnish the master of every such ship, or other vessel as aforesaid, with copies of all regulations contained in this or any other Act of Assembly which may be necessary for the guidance of such master.

XXXII. That upon the arrival at the port of Nassau of any ship or other vessel from any port or place without the limits of the Government, it shall be the duty of the harbour-master aforesaid to make a report in writing with as little delay as possible to the Governor, Lieutenant-Governor, or officer administering the government for the time being, setting forth the name of such ship or other vessel, the port or place from whence bound, the state of the health of the crew, the cargo, and names of the passengers (if any), and all other particulars connected with such ship or other vessel.

XXXIII. That in case, after any ship or other vessel shall have been moored in any of the said harbours, it shall be found that the cable or cables of such ship or other vessel overlay the cable or cables of any other ship or other vessel, such other ship or vessel being at her proper moorings, it shall be the duty of the harbour-master aforesaid, upon complaint being made to him, immediately to repair on board of such

ship or other vessel, and cause her anchor or anchors to be removed, so that the first-moored vessel may have a clear berth; and should the master or other person in charge of such last-moored vessel neglect or refuse to obey the orders of the said harbour-master for the space of six hours (wind, weather, and the tide permitting), such master or other person shall forfeit a sum not exceeding five pounds, and the master or owner of such last-moored vessel shall, moreover, be liable and subject to the payment of all damages sustained by the party complainant.

XXXIV. That the said harbour-master shall at least once in every month, or oftener, if thereto required by the said Commissioners, go on board of the several vessels at anchor, or moored in the port and harbour of Nassau, and examine and ascertain whether the cables of such vessels are good and sufficient, the result of which examination shall be reported by the said harbour-master to the said Commissioners.

Duty of harbour-master.

XXXV. That all anchors now lying, or which at any time hereafter may be left in the harbour of Nassau, shall be taken up and removed by the owners thereof within twenty-four hours after notice given by the harbour-master aforesaid (wind and weather permitting), and should such notice be disregarded, then and in such case it shall be lawful for the said harbour-master, and he is hereby required to cause the same to be taken up and removed at the cost and charge of the owner or owners thereof, and on neglect or refusal to pay such expenses, he may, with the approbation and consent of the said Commissioners, sell and dispose of the same by public sale, giving three days' notice, and restoring the overplus (if any there be) to such owner or owners.

Anchors to be removed from the harbour of Nassau.

XXXVI. That if the owner or owners of any vessel or boat shall suffer the same to be sunk in any of the harbours aforesaid, or to remain on shore, or otherwise become a nuisance, the said harbour-master shall notify the same to him or them, and require the same to be removed without delay; and in case the said nuisance is not abated, or all necessary means and exertions to effect the same made, such owner or owners shall forfeit and pay for every offence a sum not exceeding the sum of twenty-five pounds over and above the expense of removing the same, which the said harbour-master is hereby authorised to do, at the costs and charges of such owner or owners.

Provision for removal of sunken boats and other nuisances from the harbour of Nassau.

XXXVII. That it shall and may be lawful for the said Commissioners, and they are hereby required to appoint some proper place or places where all wrecks and condemned vessels shall be laid on shore and broken up, and from time to time to give such orders and directions as they may deem necessary for the purposes aforesaid.

Places where hulks may be broken up.

XXXVIII. That it shall and may be lawful for the said Commissioners upon complaint being made to them, and proof adduced that any ship or other vessel lying in the port and harbour of Nassau has not good and sufficient ground-tackle, and the owner or other person having charge of such ship or other vessel refusing or neglecting, upon due notice thereof, to furnish such ship or other vessel with such good and sufficient ground-tackle as aforesaid, and they are hereby required to give the said harbour-master orders to have such ship or other vessel removed to some place by the said Commissioners to be named. And the said harbour-master shall forthwith cause such orders to be carried into execution at the cost and charge of the owner or persons having charge of such vessel.

Provision for removal of vessels not having good ground-tackle.

XXXIX. That it shall and may be lawful for the said Commissioners to order and direct the harbour-master, or any one or more of the pilots appointed under this Act, to make from time to time reports in writing to the said Commissioners of the several soundings or depths of the different channels in and about the aforesaid bars and harbours.

Soundings of bars, &c., to be from time to time reported by the pilots.

XL. Repealed by 29 Vic. c. 13.

Authority for the appointment of a deputy harbour-master.

XLII. That it shall be lawful for the said harbour-master, in case of illness, or under such other circumstances as shall be deemed by the Governor or Commander-in-Chief a sufficient cause, to appoint a deputy to perform the duties of his said office, for whose acts the said harbour-master shall be liable. Provided always, that no person shall be competent to act as a deputy harbour-master unless he shall have first obtained a certificate from the Commissioners of Pilotage, and been approved of by the Governor or Commander-in-Chief for the time being, nor shall any such deputy continue to act for any longer period than shall be expressly sanctioned by the said Governor or Commander-in-Chief.

Penalty for violating rules made under provisions of this Act.

XLIII. That any pilot or harbour-master, or other person, who shall violate any of the rules and regulations made according to the provisions of this Act, shall forfeit and pay a sum not exceeding five pounds or, in default, shall be imprisoned for any term not exceeding two months.

Fines and penalties, how recovered.

XLIII. That fines, forfeitures, and penalties directed by this Act, shall, when the same do not exceed five pounds, be recovered in a summary manner before one justice of the peace, and when the same shall exceed five pounds, but not exceed ten pounds, before two justices of the peace, and all penalties over and above the sum of ten pounds shall be sued for and recovered in the General Court of these islands.

Inagua Pilotage Act, 13 Vic. c. 1, extends to certain islands enumerated.

XLIV. WHEREAS, it is expedient that the several provisions of the Act of the General Assembly of these islands, passed in the thirteenth year of your Majesty's reign, entitled "An Act for regulating the Pilotage of the Roads and Anchoring-places in and about the Island of Inagua," should be extended to certain outports of this Government; Be it, &c., that from and after the passing hereof, and for and during the continuance of the Act hereinbefore recited, every clause, matter and thing in the said recited Act contained, shall have the full force and effect of law at the ports of Long Cay, Long Island, Rum Cay, Ragged Island and Exuma, and that all powers exercised thereunder shall be as valid to all intents and purposes as if the said ports had been respectively named, anything in the said Act contained to the contrary notwithstanding.

Acts repealed, viz., 3 Geo. 4. c. 5, 10 Vic. c. 10.

XLV. That all that Act of Assembly, passed in the third year of the reign of King George the Fourth, entitled "An Act to regulate the Fees of Pilotage on the Out-islands within this Government," and all that Act passed in the tenth year of Her present Majesty's reign, entitled "An Act for securing the Payment of the Fees of Pilotage at the Out-islands of this Government," shall from and after the first day of June next be and the same are hereby declared to be repealed.

Parties convicted may appeal to the General Court at Nassau.

XLVI. That in all cases of conviction under this Act, the person or persons convicted shall have a right to appeal against such conviction to the General Court at Nassau, according to the provisions of an Act passed in the tenth year of Her Majesty's reign, entitled "An Act for the better Regulating Appeals in the cases of Summary Conviction."

Persons sued may plead the general issue.

XLVII. That persons sued for anything done in pursuance of this Act may plead the general issue, and give this Act and the special matter in evidence.

In citing this Act sufficient to say "The Pilotage Act of 1851."

XLVIII. That in all Acts of Assembly and other special documents, it shall be sufficient in citing this Act to mention "The Pilotage Act of 1851."

No. 3.

23 Vic. c. 18.

This Act declares 13 Vic. c. 1 to be a permanent law of the colony.

No. 4.

26 Vic. c. 10. *An Act to Amend the Pilotage Laws of the Colony.*
(Assented to 26th May, 1863.)

I. That the appointment of pilots for the several islands and districts of the colony, shall hereafter be made by commission under the hand and seal at arms of the Governor, to be held during pleasure, and all existing appointments shall be deemed and taken to be appointments under this Act.

Pilots, how appointed.

II. That the pilots for the New Providence District shall be appointed on the recommendation of the Commissioners, and the certificate of the harbour-master that the party recommended has been examined by him and found to be in all respects qualified to act as a pilot; and the pilots for the Out-island districts shall be appointed on the recommendation and certificate of qualification of the Commissioners of the district for which they are to be respectively appointed.

Pilots appointed on recommendation of Commissioners, &c.

III. That the pilots for the district of New Providence shall be under the superintendence of the harbour-master, and subject in the discharge of their respective duties to his orders. And it shall be the duty of the harbour-master, as far as practicable, to enforce on the part of the pilots the discharge of their several duties.

Pilots, New Providence, under superintendence of harbour-master.

IV. That, whenever practicable, there shall be four pilots commissioned for the New Providence district, and it shall not be lawful for either of such pilots to enter into any agreement with the other, or others, to share in any fees earned by the other, or others, or into any other agreement relating in any way to the mode in which they shall discharge their duties as pilots; and the entering into any such agreement shall constitute an act of misconduct rendering the parties thereto liable to dismissal or suspension from office in the discretion of the Governor.

Unlawful for pilots to enter agreements with each other to share fees.

V. That it shall be lawful for the Governor, on its being shown to his satisfaction that a pilot has misconducted himself in any way in his office, to cancel his commission, or to suspend him for a limited period; and if a pilot whose commission has been so cancelled, or who has been so suspended from office, shall, after notice thereof given to him, act as a pilot, he shall be liable to the same and the like penalty as is now by law imposed on pilots acting after the revocation of their licences.

Governor empowered to dismiss or suspend pilots.

No. 5.

27 Vic. c. 26. *An Act to amend "The Pilotage Act, 1851."* (Assented to 21st May, 1864.)

WHEREAS the fees payable under "The Pilotage Act, 1851," for pilotage services rendered to steamers are the same as for similar services rendered to sailing vessels, and it is desirable that larger pilotage fees should be payable in respect of steamers; May it, &c. :

PREAMBLE.

I. That from and after the passing of this Act, the master, owner, or consignee of any steamer shall, in addition to any fee which may be payable under the 17th Section of the before-mentioned Act, be liable to pay to the pilot to whom such fee is payable an additional fee of two pounds, which said additional fee shall be printed with the rates of pilotage fees and posted, as is required by the 18th Section of the said Act.

Additional fee of £2 on pilotage of steamers.

	£	s.	d.
From fifteen feet and under	3	2	0
„ fifteen and one-half foot and under	3	10	0
„ sixteen feet and under	4	0	0
„ sixteen and one-half foot and under	4	10	0
„ seventeen feet and under	5	0	0
„ seventeen and one-half foot and under	5	5	0
„ eighteen feet and under	5	10	0

and five shillings additional for every half-foot above eighteen feet.

Cochrane's Anchorage and South-West Bay Anchorage one-fourth in addition to the above rates.

Provided, that all vessels entering the said harbours and anchorages having centre boards which are used while such vessels shall be in charge of a licensed pilot shall pay one-eighth in addition to the above rates. Proviso.

II. Nothing herein contained shall affect the right of any licensed pilot to claim the additional fee payable for the pilotage of steamers under the Act 27 Victoria, chapter 26. Additional fees for steamers.

III. That the word "coasters," in the second line of the first clause shall be construed so as to apply to all vessels entering or clearing under a coast-wise transire. Definition of "coasters."

IV. The seventeenth section of "The Pilotage Act, 1851," shall be and the same is hereby repealed. Clause repealed.

No. 9.

45 Vic. c. 7. *An Act to amend "The Pilotage Act, 1851."* (Assented to 29th March, 1882.)

I. It shall be lawful for the Commissioners of Pilotage, in addition to the powers conferred upon them by "The Pilotage Act, 1851," to frame Rules and Regulations relating to the following matters:— Gives additional power to Board of Pilotage.

- (1.) For the good government and control of the harbours in and about the Island of New Providence.
- (2.) To prohibit the throwing into any of the said harbours any ballast or any other foreign substances, of what material or kind soever which may either tend to impede the navigation of the said harbours or to fill up the same.
- (3.) To compel the removal of any foreign substance which, whether from decay or other cause, has been allowed to fall into any harbour from any adjacent wharf, abutment or pier.
- (4.) To deal generally with any questions which may from time to time arise, and which shall, in the opinion of the Governor in Council, either directly or indirectly, relate to or affect the said harbours, and which, in the opinion of the Governor in Council, should be dealt with by the said Commissioners of Pilotage by rule or regulation.

II. No rule or regulation shall have any effect until approved of by the Governor in Council, when the same shall have the force and effect of law, and shall be published for general information. Rules to be approved.

III. This Act shall be read together with "The Pilotage Act, 1851," as one Act, as fully, to all intents and purposes, as if the same had been originally included therein. Pilotage Act and this—one.

No. 10.

46 Vic. c. 18. *An Act to make provision for Dredging the Harbour of Nassau.* (Assented to 20th April, 1883.)

Machinery to be imported for dredging.

I. On the passing of this Act it shall be lawful for the Commissioners of Pilotage of the Island of New Providence, and they are hereby authorised to import, at the public expense, a B size Priestman's Patent Dredging Machine, to be employed and used by them for the purpose of dredging the harbour of Nassau; and also all hinges, chains, winches, and other material required in connection with the said machine.

Dredging machine to be in charge of Commissioners of Pilotage.

II. When the said dredging machine and materials shall have been brought to the port of Nassau, the same shall be taken charge of by the said Commissioners, who are hereby authorised to use the same in the harbour of Nassau as soon as practicable in the work of dredging, and otherwise improving the said harbour in such manner and under such conditions as to the said Commissioners may seem fit.

Barges to be constructed.

III. That the said Commissioners are hereby authorised to cause to be constructed and built the necessary number of barges required to be used with the said dredging machine, and also to employ all engineers and workmen that, in their opinion may be necessary to work the said machine.

Rules to be made and approved.

IV. The said Commissioners of Pilotage are hereby empowered to make all rules and regulations with respect to the mode in which the operations connected with the dredging of the said harbour shall be conducted, and to impose any penalty for the breach of any of such rules or regulations, and all rules made under this Act, when approved of by the Governor in Council, shall have the force and effect of law, and in case of a violation thereof, the said Commissioners may proceed against any person for any such violation in accordance with and under the provisions of the forty-third section of "The Pilotage Act, 1851."

V. and VI. Temporary clauses.

No. 11.

49 Vic. c. 15. *An Act to amend "The Pilotage Act of 1851."* (Assented to 26th May, 1886.)

Pilots' responsibility when disabled vessel being towed.

I. Whenever a vessel having in tow a disabled vessel shall be boarded and taken charge of by a pilot, to be conducted into any of the harbours and anchorages of the Island of New Providence, such pilot shall be responsible for the direction of the disabled vessel, and shall be entitled to full pilotage on both of such vessels.

Full pilotage when payable by disabled vessel only.

II. Where a vessel towing a disabled vessel is exempt from pilotage, then and in such case the disabled vessel so being towed, being subject to pilotage, shall be liable to full pilotage.

Recovery of fees.

III. The pilotage fees imposed by this Act shall be recovered in the same manner as pilotage fees are now recovered under the Acts to which this is an amendment.

Two Acts to read as one.

IV. This Act shall be read together with "The Pilotage Act of 1851" as one Act as fully to all intents and purposes as if the same had been originally included therein.

No. 12.

50 Vic. c. 5. *An Act to amend the 46 Victoria, chapter 18, making provision for Dredging the Harbour of Nassau.* (Assented to 6th May, 1887.)

I. In addition to the powers granted by the Act of Assembly, 46 Victoria, chapter 18, with respect to the use of the dredging machine now under the control of the said Commissioners of Pilotage, it shall be lawful for such Commissioners to do the following things :—

Commissioners of Pilotage and dredger.

First. Subject to the approval of the Governor, with the advice of the Executive Council, to permit the dredging machine, and the necessary apparatus connected therewith to be removed from the port of Nassau and conveyed to any port, creek, or settlement at any island within the colony, to be used for the purpose of dredging.

Machine may be removed from Nassau.

Second. To make such rules or regulations as may be required for the care, custody, and control of the said dredging machine while employed at any such port, creek or settlement.

Rules to be made.

No. 13.

55 Vic. c. 18. *An Act for the further encouragement of Trade within these Islands.* (Assented to 8th April, 1892.)

I. All vessels arriving at the port of Nassau for the purpose of receiving orders, or of communicating with abroad, shall be exempted from all port charges whatever, pilotage excepted.

Vessels arriving at the port of Nassau for orders, &c., exempt from port charges.

II. No master of any vessel arriving for the purposes aforesaid shall, however, be compelled to accept the services of a licensed pilot, unless he intends to enter the harbour of Nassau, or one of the anchorages in or about the Island of New Providence, anything in "The Pilotage Act, 1851," to the contrary notwithstanding.

Masters of vessels not compelled to accept the services of a pilot.

III. Where any vessel, not originally bound to the port of Nassau, shall arrive at and put into such port, for any purpose connected with, or incidental to the voyage upon which it is engaged, such vessel shall be exempted from the payment of all port charges, pilotage excepted.

Vessels putting into the port of Nassau for certain purposes exempt from port charges.

No. 14.

58 Vic. c. 8. *An Act granting certain powers to the Commissioners of Pilotage for the Island of New Providence.* (Assented to 26th April, 1895.)

I. It shall be lawful for the Commissioners of Pilotage for the Island of New Providence to permit the dredging machine to be used for private purposes under such regulations, and upon such terms and conditions as to the said Commissioners may seem meet.

Dredging machine may be used for private purposes.

II. The said Commissioners after deducting the expenses connected with the use of the dredging machine as authorised by this Act shall pay into the Public Treasury in aid of the general revenue of the colony the residue of all monies received by them hereunder.

Appropriation of monies received.

No. 15.

60 Vic. c. 1. *An Act further to amend "The Pilotage Act, 1851."*
(Assented to 14th April, 1897.)

Title of Act.

I. This Act may be cited for all purposes as "The Amended Pilotage Act, 1897."

Expenses incurred under section 36 of "The Pilotage Act, 1851," may be defrayed out of the Public Treasury.

II. Where any expenses are incurred under the thirty-sixth section of "The Pilotage Act, 1851," in the removal of any vessel or boat sunken in any of the harbours referred to in the said section, and it is shown to the satisfaction of the Governor in Council that the owner or owners of such vessel or boat cannot be found within the colony, or if found that he or they have no means to pay and liquidate the expenses so as aforesaid incurred, it shall be lawful for the Governor by warrant in the usual manner to direct the payment of such expenses out of the Public Treasury.

Sunken vessels or boats may be sold by the Commissioners of Pilotage to defray expenses of removal.

III. Where any payment has been made out of the Public Treasury under the authority of the preceding section it shall be lawful for the Commissioners of Pilotage for the district in which the removal of any such sunken vessel or boat has been effected to cause to be sold and disposed of the said vessel or boat so removed as aforesaid, or the materials of any such vessel or boat should the same have been broken up in the process of removal, which the officer making such removal is hereby authorised to do, and upon receiving the proceeds of such sale to pay the same, or should they exceed the amount of the expenses so incurred, then the amount of such expenses into the Public Treasury in aid of the general revenue of the colony; restoring any overplus to the owner or owners of such vessel or boat.

No. 16.

60 & 61 Vic. c. 38. *An Act to provide for the laying down of Buoys and the adoption of measures for the security of Harbours at the several Out-islands and for other purposes.* (Assented to 14th July, 1897.)

Short title.

I. This Act may be cited for all purposes as the "Out-island Pilotage Amendment Act, 1897."

Powers given by section 9 of "The Pilotage Act, 1851," extended to Commissioners of Pilotage of Out-island districts, subject to limitation.

II. On and after the commencement of this Act the powers given by the ninth section of the Pilotage Act, 1851, to the Commissioners of Pilotage of the Island of New Providence shall be vested in and exercised by the Commissioners of Pilotage of any Out-island district, within their respective districts, subject to the limitation hereinafter contained.

Appointment of Commissioners.

III. It shall be lawful for the Governor to appoint three persons as Commissioners of Pilotage for any Out-island of the colony to which the provisions of the Act 13 Vic. c. 1 do not extend.

Commissioners of Public Works deemed to be Commissioners of Pilotage where there are no Commissioners of Pilotage appointed.

IV. Where there are no Commissioners of Pilotage appointed for any Out-island district under this or any other Act, the word "Commissioners" in the said ninth section of "The Pilotage Act, 1851," shall for the purposes of this Act be construed to mean and refer to the Commissioners of Public Works for such Out-island; and such Commissioners of Public Works shall for the purposes of this Act be deemed to be the Commissioners of Pilotage for such Out-island district.

Recommendations involving the expenditure

V. Every recommendation of any Commissioners of Pilotage for an Out-island district involving an expenditure of money shall be first

submitted by them to the Commissioners of Pilotage of New Providence who shall report thereon for the information of the Governor in Council.

VI. All the expenses incurred by the Commissioners of Pilotage of New Providence in obtaining information or reports shall be defrayed by the Governor in Council out of the Public Treasury.

VII. This Act shall commence and take effect on the passing thereof and shall continue in force for the period of five years and from thence to the end of the then next session of Assembly.

of money, how dealt with.

Payment of expenses.

Commencement and continuance of Act.

No. 17.

61 & 62 Vic. c. 24. *An Act to transfer certain Government Lands and Premises in the City of Nassau, with the view to the increase of Hotel accommodation, and to authorize the making of a new Mail Contract, and for other purposes connected with these undertakings.* (Assented to 10th August, 1898.)

XV. All vessels engaged in the performance of a mail service under any contract entered into under this Act shall be exempted from the payment of all tonnage, light, and other port dues, including pilotage.

Mail vessels exempted from pilotage.

No. 18.

62 Vic. c. 5. *An Act to consolidate certain Acts of Assembly passed in amendment of the Out-island Pilotage Laws.* (Assented to 20th April, 1899.)

I. This Act may be cited as "The Amended Out-island Pilotage Act, 1899."

II. Where the words "principal Act" are used in this Act, they shall be held and construed to mean and refer to the Act 13 Vic. c. 1.

III. The 20th, 21st, 22nd, 24th, and 27th sections of the principal Act shall continue to extend to and be in force in and throughout all Out-island districts of the colony.

IV. In the several Out-island districts of the colony where there are no Commissioners of Pilotage, the word "Commissioners" as used in the said sections, shall be construed to mean and refer to the Commissioners of Public Works of the said respective districts, who are hereby authorised and empowered within their respective districts to exercise all and singular the powers and authorities by the said sections given to the Commissioners of Pilotage, and the duty of laying informations for violations of the said sections, which by the 20th section of the principal Act is cast upon pilots, shall be exercised by the members of the Stipendiary Police force of the several districts to which the said sections are hereby extended.

V. That masters of vessels touching at any port of any of the Out-islands of this Government, or to which sections seventeen and eighteen of the principal Act have been extended by 14 Vic. c. 21, whether such vessels anchor or not, merely for the purpose of procuring seamen, labourers, or provisions, and not otherwise trading thereat, shall not be liable to any pilotage fees, unless such master shall have by signal or otherwise specially required and received the services of a pilot.

VI. The sections referred to in the next preceding section shall be held to apply to vessels entering at the Revenue Office of any island

Title.

Definition.

Extension of sections to Out-island districts.

Commissioners of Public Works to have powers of Commissioners of Pilotage.

Restricts 17th and 18th sections of 13 Vic. c. 1.

Sections 17 and 18 of 13 Vic. c. 1 to apply to

vessels entering and landing cargo.

Liability of pilots absenting themselves without leave to have their licences cancelled.

Compulsory pilotage removed from vessels arriving at Inagua.

Repeals.

to which such sections are extended and landing cargo at such island, notwithstanding the master may have also procured seamen, labourers, or provisions.

VII. Should any person appointed as pilot for any Out-island district of the colony by virtue of any Act relating to the appointment of Out-island pilots, absent himself from the said island without the permission of the Commissioners of Pilotage for the district, his licence as pilot shall be liable to be cancelled by the Governor under the authority of the 5th section of the 26 Victoria, chapter 10.

VIII. All vessels entering or arriving at any harbour, roadstead, or anchoring place at the Island of Inagua from any port or place shall be exempted from the payment of fees of pilotage, anything in any Act of Assembly to the contrary notwithstanding, unless the master of any such vessel shall voluntarily accept the services of a pilot.

IX. The Acts and parts of Acts set forth in the schedule hereto are hereby repealed to the extent mentioned in the third column thereof.

SCHEDULE.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
20 Vic. c. 18. ...	An Act to amend an Act for regulating the Pilotage of the Roads and Anchoring-Places in and about the Island of Inagua.	1st and 3rd Sections.
29 Vic. c. 8. ...	An Act to provide for the removal of Obstructions in certain Harbours, Roadsteads, and Anchoring-Places of the Colony.	The whole Act.
46 Vic. c. 6. ...	An Act to amend the Pilotage Laws of the Colony.	The whole Act.
60 Vic. c. 6. ...	The Amended Inagua Pilotage Act, 1897 ...	The whole Act.

BOATMEN.

No. 19.

27 Vic. c. 1. *An Act for the better regulation of Boatmen plying for hire in and about the Harbour of Nassau.* (Assented to 30th March, 1864.)

Penalty for persons being employed as boatmen without licence.

Commissioners of Pilotage to grant licences.

Badge to be worn by persons licensed.

Commissioners of Pilotage to regulate the

I. That from and after the first day of June next it shall not be lawful for any person to employ himself for hire, or other reward as a boatman, in the harbour of Nassau, unless he shall have first been licensed for the purpose, as hereinafter required, under a penalty not exceeding ten pounds for every offence.

II. That licences under this Act shall be granted by the Commissioners of Pilotage for the Island of New Providence, and shall be in the form set forth in Schedule A to this Act annexed, and every person to whom a licence shall be granted shall wear a badge of such description as shall be prescribed and provided by the said Commissioners of Pilotage, the expense of which shall, in the first instance, be defrayed out of the Public Treasury in the usual manner, and which shall be delivered to every such person obtaining a licence as aforesaid upon his paying the actual cost thereof.

III. That the rates to be paid to the said boatmen shall from time to time be regulated by the Commissioners of Pilotage, and such rates and

every alteration made from time to time therein shall be published in the official newspaper for the time being for general information.

IV. That rules and regulations for the government of boatmen under this Act shall from time to time be made by the Commissioners of Pilotage, all which rules shall be submitted for the approval of the Governor in Council, and, when approved, shall be published for general information.

V. That all boatmen licensed under this Act shall be subject and liable to the orders, directions, and control of the harbour-master of the port of Nassau for the time being, who is hereby required to see this Act carried into execution, and is hereby invested with full power and authority for the purpose.

VI. That any boatman licensed under this Act, who shall be guilty of either of the following acts, which are hereby declared to be offences under this Act, shall, on conviction before the police or acting police magistrate at Nassau, be subject to be fined in any amount not exceeding five pounds, or to have his licence cancelled or suspended for a fixed period, or to have his licence cancelled or suspended, as aforesaid, and to be at the same time fined in the discretion of the police or acting police magistrate aforesaid, that is to say:—

Violating any rule or regulation under this Act for the government of boatmen.

Demanding more than his legal remuneration for any service rendered by him as a boatman.

Disobeying any lawful order given him by the harbour-master.

Acting as a boatman without having on his proper badge, exposed in a conspicuous manner.

Using insolent, offensive, or discourteous language to any passenger in his boat, or to any person employing or applying to employ him as a boatman.

Refusing, when not otherwise engaged as a boatman, to take a passenger or luggage to or from any vessel in the harbour of Nassau, or, when the weather is fine, to any part of the roadstead not more than two miles from Hog Island.*

VII. That the clerk of the Commissioners of Pilotage shall issue all licences granted by the Commissioners under this Act, and he shall keep a book in which he shall enter the name of every person licensed and the date of the licence; and he shall be entitled to receive from every person to whom a licence shall be granted under this Act the sum of ten shillings as his fee thereon, and it shall be lawful for him to retain any such licence in his possession until the fee due thereon and the cost of the badge shall have been paid to him.

VIII. Every boatman licensed under this Act shall be furnished gratis by the Commissioners of Pilotage with a copy of the rules and regulations framed under the authority of this Act, and, when requested, shall produce the same to any person or persons wishing to employ him, or who may have hired any such boatman, under a penalty of ten shillings.

IX. That any person who shall exhibit on his person, or otherwise use the badge of a boatman not being licensed under this Act, shall, for every offence, on conviction, forfeit and pay a sum not exceeding ten pounds.

X. That for the purposes of this Act the limits of the harbour of Nassau shall extend from the bar at the western entrance to Fort Montague at the eastern.

rates to be paid to boatmen.

Rules for boatmen to be approved by Governor in Council.

Boatmen to be liable to orders of harbour-master, who is to see this Act carried into execution.

Boatmen may be fined or have their licence cancelled for violating any rule or regulation approved by Governor and Council and for the following acts.

Clerk to commissioners of Pilotage to issue all licences.

Fee to be paid him of ten shillings.

Boatmen to be furnished with a copy of rules and regulations.

Fine for not producing same.

Penalty for exhibiting a badge without a licence.

Limits of harbour.

* So much of this section as has reference to discourteous language is repealed by 28 Vic. c. 39, s. 2; and it is also further amended by the first section of the same Act.

This Act not to extend to men employed in lighters, &c.

Penalties under this Act to be recovered before police magistrate.

Boatman's Act, 1864.

XI. That this Act shall not extend to men employed in lighters, or other boats, in unloading or shipping cargoes from or to vessels lying in any of the harbours, roadsteads, or anchoring-places in the vicinity of the port of Nassau.

XII. That all fines and penalties under this Act shall be recovered before the police or acting police magistrate at Nassau, and payment thereof shall be enforced by imprisonment of the person offending; provided that such imprisonment shall not at any time extend to a period over thirty days.

XIII. That this Act may be cited for all purposes as "The Boatman's Act, 1864."

SCHEDULE A.

Schedule "A."

By the Commissioners of Pilotage for the island of New Providence. These are to license A. B. to act as boatman under "The Boatman's Act, 1864."

Dated _____ day of _____ A.D., 18 ____.

By order of the Commissioners,
C. D.,
Clerk.

No. 20.

28 Vic. c. 39. *An Act entitled "An Act to amend the Boatman's Act, 1864."* (Assented to 3rd May, 1865.)

Boatmen may be fined, &c., upon conviction under 6th section 27 Vic. c. 1.

I. Upon the conviction of any person under the sixth section of the Act of Assembly, 27th Vic., c. 1, he shall be liable to be fined in any amount not exceeding two pounds, or to have his licence cancelled or suspended for a period not exceeding three months, or to have his licence cancelled or suspended as aforesaid, and to be at the same time fined at the discretion of the convicting magistrate.

Repeals part of the said 6th section.

II. So much of the said sixth section as is repugnant to this Act, and so much thereof as has reference to "discourteous language" used by boatmen shall be and are hereby repealed.

QUARANTINE.

No. 21.

34 Vic. c. 6. *An Act for the regulation of Quarantine.* (Assented to 7th March, 1871.)

Meaning of "infected place."

I. In this Act the term "infected place" means any port or place where yellow fever, scarlatina, or scarlet fever, the plague, cholera, small-pox, or any other epidemic disease of a commonly supposed contagious or infectious character, in fact, prevails; or any port or place which the Governor in Council may declare to be an infected port or place.

Public notification of "infected places."

II. Whenever it shall appear to the Governor in Council that either of the diseases aforesaid, or any other epidemic disease of a commonly supposed contagious or infectious character, prevails at any port or place, or that it is probable that any such disease might be brought into the colony from any port or place, it shall be lawful for him to declare by public notification that such port or place is an infected port or place, which notification shall continue in force until cancelled by further order of the Governor in Council.

Conditions which render vessels liable to quarantine.

III. That upon any such notification being made, and until the same shall be cancelled as aforesaid, all vessels arriving at any port in the

colony from any place so declared to be an infected place as aforesaid, together with all persons, goods, and merchandise whatsoever on board of such vessels, as also every vessel having on board any person who has come from such infected place, or who is ill of any contagious or infectious disease as aforesaid, or on board of which vessel any person shall have died from any such disease during the passage to this colony, shall be liable to perform quarantine in such place for such time and in such manner as hereinafter provided.

IV. Every vessel arriving at any port in this colony from any place which has been declared an infected place as aforesaid, or having on board any person who has come from some infected place, or who is ill of any such disease as aforesaid, or on board of which any person shall have died of any such disease as aforesaid, shall immediately on arrival and before any communication with the shore, be visited by the proper visiting officer, who is hereby authorised and required, at a convenient distance from such vessel, to put the following questions, or such of them as may be necessary, and any other questions which he may consider desirable:—

Questions to be asked by visiting officer.

1. What is the name of the vessel and of the master?
2. To what port or place does she belong?
3. From whence do you come?
4. To what port or place are you bound?
5. At what ports or places have you touched in the course of the voyage?
6. What vessels have you had any intercourse or communication with during your voyage, and from whence did they come?
7. Have you any and what bill of health? Produce it.
8. Did you carry any bill of health with you to the port or place where you took in the cargo or passengers you now have on board? From what place? Were the said bills of health clean, unclean, or suspected?
9. Did any contagious or infectious disease prevail in any degree at the port or place from which you sailed, or at any of the ports or places at which you touched? If yes, say what disease prevailed, and at which port or places.
10. What number of officers, crew, passengers, or other persons have you on board?
11. Were any of these taken on board at any port or place during the voyage to this island? If yes, who were so taken on board, and at what port or place, and on what day or days?
12. Are any persons on board of your ship suffering under any contagious or infectious disease, or have any persons died or been ill of a disease of that nature in your passage to this island, and, if any, what number?
13. If any have died or been ill of any such disease, were their bedding and clothes destroyed?
14. In the course of your voyage have any persons on board suffered from sickness of any kind? What was the nature of the sickness, and when did it prevail? How many persons were affected by it?
15. How had the persons attacked been employed before they came on board? Had they been employed in loading or unloading the vessel?
16. Did the persons who were ill fall sick nearly about the same time, or within a few days of each other, or did the disorder spread successively from one to another, and increase considerably?
17. What is the number of persons now ill on board your vessel? Are the convalescents able to be on deck? If so, parade them on the gangway.

18. Have there been any deaths on board during the voyage. If yes, what were the causes of the deaths, and when did such deaths take place?
19. Have you any person on board who has left (name of infected port or place) within fourteen days?
20. Where did you take in the cargo now on board, and when? If at more than one place state the places.
21. Was any cargo, or were any letters, parcels, or articles of any kind, put on board at (name of infected port or place)? If yes, state what was put on board, and when and whether any special precaution was taken with respect to such things?

Visiting officer may demand ship's papers.

V. The visiting officer on boarding every vessel arriving from an infected port or place, may, in addition to examining the master, officers, crew, and passengers thereof respectively, as to their state of health then and during the voyage, demand to see the journal, or log, and ship's papers of any such vessel.

Penalty for concealing true state of health.

VI. Any master or other person who shall conceal from any such visiting officer the true state of the health of the crew or other persons on board of any such vessel as aforesaid, or who shall give an untrue answer to any inquiry made by such visiting officer, under the authority of this Act, shall be liable to a penalty not less than £5, and not exceeding £50, to be recovered as hereinafter provided for.

No person to leave vessel without permission in writing.

VII. No master or other person belonging to, or on board of any such vessel as aforesaid, and no pilot or pilot's assistant, or other person who shall have proceeded on board such vessel, shall quit the same for the purpose of landing or communicating with the shore before such vessel shall have been admitted to pratique, unless permission to do so be granted in writing by the health officer.

Persons who may board vessels.

VIII. No person, the pilot or his assistant excepted, shall proceed on board such vessel before she shall have been visited by the visiting officer.

Penalty for offending against preceding sections.

IX. Any person offending against the provisions of either of the two last preceding sections, shall be liable to a penalty of not less than £5 and not exceeding £50, to be recovered as hereinafter provided for.

Conditions under which vessels must hoist yellow flag and go into quarantine.

X. If any vessel shall have arrived from, or touched at any infected place, or have on board any person who has come from such place, or on board which any person may have died during the passage to this colony, or may be ill of any disease aforesaid, or of any other commonly supposed contagious or infectious disease, or if the visiting officer shall have good reason to suspect that such vessel, or some person on board thereof, has arrived from, or touched at any such place, the said visiting officer is required to place the said vessel in temporary quarantine, and to cause a yellow flag to be hoisted, and the vessel to proceed to and to anchor at the established quarantine station, where there is one, or at ports where there are no established quarantine stations, at some safe anchorage, until further directions are given by the health officer.

Quarantine to be decided by health officer.

XI. The visiting officer shall forthwith, after making such inquiry and examination as aforesaid, report thereon to the health officer, who shall upon such report, or upon further inquiry, if thought necessary, decide whether the said vessel is to remain in quarantine.

Vessels liable to perform quarantine, having any person ill on board.

XII. The following vessels shall also be liable to perform quarantine, that is to say: every vessel arriving at any port of the colony from any port or place (whether declared an infected port or not) having on board at the time of her arrival any person who is ill or reasonably supposed to be ill of either of the diseases in the first section of this Act enumerated or referred to, or on board of which any person may have died during the voyage of any such disease or supposed contagious or infectious disease as aforesaid,

AND

every vessel on board of which any person shall be taken ill or shall die

of any such disease or supposed contagious or infectious disease as aforesaid after arrival at and while in any port of the colony.

And all and singular the several powers of visitation, restraint, and otherwise hereinbefore given to visiting officers and health officers shall apply to and may be enforced in respect to vessels liable to perform quarantine under this section.

XIII. Subject to any general rules and regulations of the Governor in Council and to any special orders applicable to particular cases which the said Governor in Council is hereby authorised from time to time to make, the following rules as to the duration of quarantine shall be observed :—

General rules
and special
orders.

1. All vessels on board of which any person shall be ill or shall have been ill of any contagious or infectious disease, or shall have died of such disease within fourteen days before her being placed in quarantine, shall remain in quarantine until the expiration of fourteen days from the day when such illness shall cease or shall have ceased, and from the day when such deaths shall have occurred.
2. All vessels that shall have sailed from or touched at any infected place, or shall have any person on board who shall have come from any such place, shall remain in quarantine for such time, not being less than two days nor exceeding fourteen, as shall be directed by the Governor in Council on a due investigation of all the circumstances of the case.
3. If during the continuance of a vessel in quarantine any person on board such vessel falls sick of any contagious or infectious disease, such vessel shall be liable to remain in quarantine for a further period of fourteen days from the day when such sickness shall cease. Provided always, that in every such case the Governor, acting with the advice of the Executive Council as aforesaid, shall have full power and authority to permit the persons on board of any such vessel to land under such restrictions as to the said Governor in Council may seem necessary and best calculated to guard against the introduction and spread of contagious or infectious diseases in the colony, and also under like restrictions to permit the landing of any letters and newspapers which may be brought in any such vessel. And it shall also be lawful for the Governor in Council to authorise with respect to such vessel and cargo (if any) on board of her laden, the adoption and application of any or all of the regulations hereinafter inserted, providing for the disinfecting and purifying of vessels and their cargoes.

XIV. It shall be lawful for the Governor in Council to appoint suitable places for quarantine grounds at ports at which no quarantine station has been established, and from time to time to change such places.

Governor to appoint
quarantine
grounds.

XV. For the better carrying into effect the provisions hereinbefore contained be it further enacted :—

Further enact-
ment.

- 1st. It shall be the duty of the pilot who shall go off to any vessel about to enter any port of the colony to which the provisions of the Pilotage Laws or any of them extend, either before boarding such vessel or as soon as practicable afterwards, to demand of the master or person in charge of such vessel whether any illness has prevailed among either the crew or passengers of such vessel during the voyage, and whether any illness does then exist among such crew or passengers ; and if the master or person in charge of any such vessel shall refuse to answer any question so put to him by the pilot, or shall not truly answer all such questions, he shall for every offence forfeit and pay a sum not exceeding £50 ; and every pilot who shall neglect to make the inquiries aforesaid, shall also forfeit and pay a sum not exceeding £10.

Duty of pilot.

Penalty for re-
fusing to answer
pilot's questions.
Penalty for
pilot's neglect.

Pilot to bring vessel into port.

Where illness prevails, or has prevailed, the pilot to notify health officer.

Duty of masters of wrecking vessels to hoist a flag half-mast when they have illness on board.

Penalty.

Pilots to carry printed copy of sanitary regulations.

- 2nd. Whenever it shall appear by the answers given as aforesaid that no illness has prevailed among the crew or passengers during the voyage, or does then exist among the crew or passengers in any such vessel, it shall be lawful for the pilot to bring the vessel into port, there to await the visitation of the *health officer*.
- 3rd. That should it appear, however, by the answers of the master or person in charge of any such vessel that any illness whatsoever has prevailed during the voyage, or does then prevail among the crew or passengers, it shall be the duty of the pilot to notify such facts to the *health officer*, either by the hoisting of a yellow flag on board of the vessel or by immediate direct communication with such officer, and unless absolutely necessary for the safety of the vessel, to abstain from bringing her into port until authorised to do so by the *health officer*; and it shall be the duty of the *health officer*, upon every such notification as aforesaid, forthwith to proceed on board of such vessel wherever she may be, and make all necessary examinations into the health of the persons on board of every such vessel in the same and the like manner as is hereinbefore required of him; and any pilot who shall neglect to perform the duties or any part of the duties by this section imposed on him, shall for every such neglect forfeit and pay a sum not exceeding £25, and no other person (the pilot and his assistant excepted) shall go on board of any such vessel, nor shall any person land, or any article be removed therefrom for the purpose of being landed until such vessel shall have been visited by the *health officer*, and permission in writing given by him for such boarding, landing, or removal, as the case may be.
- 4th. Whenever any wrecking or other vessel not liable to be visited and taken charge of by a pilot, shall arrive at any port of the colony, having on board any sick person or any persons taken off and from any vessel wrecked, stranded, or otherwise in distress, within the limits of this government, it shall be the duty of the master or other officer or person in charge of such vessel to hoist a flag half-mast high as a signal for the *health officer*, and no person shall quit such vessel nor shall any person board her after the hoisting of such flag until permission for that purpose shall be granted by the *health officer*, on pain of forfeiting a sum not exceeding £50; and every master or other officer or person in charge of any vessel aforesaid, who shall neglect to hoist such flag as aforesaid, shall, in like manner, forfeit a sum not exceeding £25 as aforesaid, and it shall be the duty of the *health officer* to proceed without any delay on board of every such vessel as last aforesaid, and there make the examinations *hereinafter* required of him.
- 5th. It shall be the duty of every pilot to carry with him a printed copy of all sanitary regulations relating or applying to vessels arriving at the several ports of the colony, such printed regulations to be furnished him upon application to the Board of Health; and it shall be the duty of every such pilot to call the attention of the master of every vessel he shall board to the same, and every pilot who shall neglect so to do shall forfeit and pay for every such neglect, on conviction thereof, a sum not exceeding £10.
- 6th. Repealed by 40 Vic. c. 6.*

* The Act 40 Vic. c. 6 *post* No. 22 of this Class directs that the words "health officer" (printed in italics) in the 2nd, 3rd, and 4th sub-secs. of this clause shall be read "visiting officer"; and the word "hereinafter" also in italics in the last line of the said 4th sub-sec. shall be read "hereinbefore."

XVI. It shall be lawful for the health officer to take and cause to be taken and carried into execution all such measures as he may deem to be necessary for disinfecting, purifying, and cleansing any vessel which may have entered port in any unclean state, and for the removal of any portion of the cargo of such vessel which may be putrescent to such place as may be selected for the purpose, and any master or other person who may obstruct the health officer or any person employed by him in cleansing, purifying, or disinfecting any such vessel, shall forfeit and pay a sum not exceeding £20.

Health officer to take measures for disinfecting vessels and removing putrescent cargo.

Penalty for obstructing Health officer.

XVII. All expenses incurred in cleansing, purifying, or disinfecting any vessel, shall be a charge on such vessel, and shall be recoverable by summary proceeding before any justice of the peace from the owner, master, or consignee of such vessel in the discretion of the party suing for the same.

Expenses incurred how defrayed.

XVIII. Proceedings under the next preceding section shall be governed by the provisions of the 12 Vict. c. 10, and any order for payment of any such expenses as aforesaid may be enforced by levy on and sale of the vessel, in respect of which such expenses were incurred, or any of her appurtenances.

Proceedings, how governed and payment enforced.

XIX. Any master or other person having charge of any vessel liable to perform quarantine having notice thereof shall himself quit, or shall knowingly suffer any passenger, seaman or other person who may be on board to quit her before such quarantine shall have been fully performed, or in case any master or other person as aforesaid shall not within convenient time after due notice given for that purpose cause such vessel, with her cargo, crew, passengers, and other persons to proceed to the place appointed for the performance of quarantine, then and in every such case such master or person as aforesaid shall forfeit and pay a sum not exceeding £50.

Liability of masters of vessels or other persons breaking quarantine.

XX. Every person who shall be liable to perform quarantine who shall refuse or neglect to repair, within convenient time after having been thereunto required, to the vessel, house, or place appointed for the performance of quarantine, or shall escape, or attempt to escape, or depart therefrom before such quarantine shall have been fully performed, shall forfeit and pay a sum not exceeding £25, or suffer imprisonment, in default of payment, not exceeding two months; and it shall be lawful for the persons appointed to enforce quarantine, or for any constable or other person or persons authorised for that purpose by a justice of the peace, to compel any person so refusing or neglecting, or escaping as aforesaid, by all necessary and adequate force to repair or return, as the case may be, to the vessel, house, or place appointed for the purpose of performing quarantine.

Liability of persons who refuse or neglect to perform quarantine.

XXI. Nothing in this Act contained shall extend or be construed to extend to prevent vessels or persons who have been placed in quarantine from departing from such quarantine to proceed without the limits of the colony, provided they so depart without anchoring or landing at any inhabited settlement within the colony: and provided the fact of any such vessel having sailed while under quarantine be stated in the bill of health of such vessel.

Persons placed in quarantine may proceed without the limits of the colony.

XXII. In case any vessel shall be ordered to perform quarantine, it shall be lawful for the health officer to appoint such number of persons as may be necessary to act as health guards, whose duty it shall be to see that the provisions of this Act are properly carried into execution and effect and to enforce the same, and that every person so appointed shall be entitled to have and receive, out of the Public Treasury, reasonable wages per day while actually so employed, for which the Governor, by and with the advice of the Executive Council, is hereby authorised to grant warrants in the usual manner.

Health officer may appoint health guards.

XXIII. If any person not infected nor otherwise liable to perform quarantine shall go on board of any vessel so liable, or shall, during the

Any person going on board a vessel in quarantine

without licence
to remain in
quarantine.

Power given to
enforce removal
of vessels ordered
into quarantine.

Desertion and
neglect of duty
punishable.

Concealing or
clandestinely
conveying letters
or goods punish-
able.

Health officer's
certificate must
be obtained
before liberation
from quarantine.

Exemption of
vessels employed
in mail service.
Governor in
Council to make
regulations.

Who "health
officer," as used
in this Act,
means.

Who "visiting
officer," as used
in this Act,
means.

continuance of any such quarantine, enter into any vessel, house, or place appointed for the performance thereof without having been duly licensed to do so by the health officer, it shall and may be lawful for the officer, or guard, or other person or persons appointed to see such quarantine performed, by such force as the case may require, to compel such unlicensed person to remain in such vessel, house, or place during the continuance of such quarantine.

XXIV. In case of any vessel being ordered to perform quarantine, it shall and may be lawful for the officers of any of Her Majesty's vessels of war, or the officers of any of Her Majesty's forts or garrisons, or any other of Her Majesty's officers whom it may concern, upon notice thereof being given to them, or any of them respectively, and also for any other person or persons whom they shall call to their aid and assistance, and they are hereby authorised to enforce the removal of any such vessel to such place as shall be appointed for the performance of such quarantine, and to use all necessary means for that purpose.

XXV. If any officer or other person appointed to see quarantine performed shall desert from his duty when employed in enforcing the said quarantine, or shall knowingly permit or suffer any person or goods to depart or be carried out of the vessel, house, or place appointed for performance of quarantine, or shall suffer any vessel to be removed from such place contrary to the intent and meaning of this Act, then and in every such case the officer or person so offending shall forfeit and pay a sum not exceeding £50 or suffer imprisonment, in default of payment, not exceeding two months.

XXVI. If any person or persons shall knowingly or wilfully conceal, or shall clandestinely convey any letters, goods, wares, or merchandise from any vessel under quarantine, or liable to perform quarantine, or from any house, vessel, or other place where persons or goods shall be performing quarantine, every person so offending shall, upon conviction, suffer imprisonment not exceeding two months, or pay a fine to Her Majesty not exceeding £20.

XXVII. As soon as any quarantine shall have been fully performed by any vessel or person, and the same shall have become free from infection, a certificate to that effect shall be granted by the health officer, whereupon every such vessel or person shall be liberated from all detentions on the ground of quarantine.

XXVIII. Nothing hereinbefore contained shall extend or be construed to extend to vessels employed in the transmission of mails, but it shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make such rules and regulations for the prevention of the introduction of disease into the colony by means of such vessels, or by persons landing from or going on board of such vessels, or by the unloading or unshipment of merchandise, as the said Governor shall deem necessary and expedient.*

XXIX. The words "health officer" as used in this Act shall, in reference to quarantine within the port or district of Nassau, mean the medical officer who, for the time being, shall be performing the duties of health officer under the provisions of the 13th section 32 Vic. c. 13, and in reference to quarantine at any Out-island, such words shall mean the resident justice of the district.

XXX. The terms "visiting officer" as used in this Act shall mean, at the port of Nassau, the "port officer" or any person who may from time to time be appointed by the Governor to perform the duty of visiting vessels for the purposes of this Act; and at the out-ports of the colony any person who may from time to time be appointed by the Governor,

* See 3rd and 4th secs. of 60 Vic. c. 26, *post*, No. 25 of this Class.

or the resident justice acting as health officer, to perform the duty of visiting vessels under this Act at any such port.

XXXI. The term "quarantine station" shall, in reference to the performance of quarantine within the district of the port of Nassau, mean the quarantine station established at Athol Island under the authority of the 19 Vic. c. 7, sections one and two: and in reference to the performance of quarantine elsewhere than at the district of Nassau, shall mean any station, permanent or temporary, which may be established or authorised to be used under the authority of this Act, or which may have been established under the authority of any other Act of Assembly.

Defines the meaning of quarantine station, as used in this Act and other places.

XXXII. The quarantine station at Athol Island shall be under the charge of a quarantine officer, to be appointed from time to time by the Governor for the purpose, and who shall receive the salary provided by Act 32 Vic. c. 13.

Appointment of quarantine officer at Athol Island.

XXXIII. That the medical officer performing the duties of health officer at the port of Nassau shall be entitled to the following fees, that is to say:—

Health officer's fees for visiting vessels in quarantine.

(These fees are now fixed by 40 Vic. c. 6.)

XXXIV. Repealed by 40 Vic. c. 6.

XXXV. and XXXVI. Repealed by 47 Vic. c. 13.

XXXVII. For each and every person sent to *any quarantine station* the quarantine officer, or person in charge of such station, shall be entitled to receive a fee of two shillings and sixpence per diem, the amount of which fees, if the person in respect of whom they are receivable is an officer or seaman belonging to any vessel placed in quarantine, or then being in the port of Nassau, shall be a charge on such vessel, and shall be recoverable in the same and like manner as is hereinbefore provided in relation to other expenses as aforesaid; but in all other cases the charge shall be a personal one, and may be recovered accordingly, except the party shall be in such indigent circumstances as to be unable to pay the same, in which case the said fees shall be paid out of the Public Treasury by warrant in the usual manner, and such fees shall be received and taken by the quarantine or other officer as full remuneration for attendance and other services rendered by him to the parties in respect of whom they are chargeable as aforesaid.*

Quarantine officer's fees chargeable on vessel, &c.

XXXVIII. All penalties under this Act shall be recoverable before any salaried magistrate, or before any other two justices of the peace for the colony or for any district thereof.

How penalties may be recovered.

XXXIX. All persons acting under this Act shall have the same protection as is given to officers of the Receiver-General and Treasurer's department by the 17 Vic. c. 4.

Protection of officers.

XL. All necessary forms under this Act shall be supplied from the office of the Colonial Secretary to the different officers requiring the same.

Forms, how supplied.

XLI. The following Acts and parts of Acts shall be repealed: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 47 Sections of the 19 Vic. c. 7; 24 Vic. c. 14; 26 Vic. c. 4; 30 Vic. c. 8; 32 Vic. c. 17; and 33 Vic. c. 14.

Repeals Acts and parts of Acts.

XLII. This Act may, for all purposes, be cited as the "Quarantine Act, 1871."

Name.

XLIII. This Act shall come into operation on the first day of June, A.D. 1871.

Commencement.

* The words in italics are to be read "the Quarantine Hospital," 40 Vic. c. 6.

No. 22.

40 Vic. c. 6. *An Act to amend "The Quarantine Act, 1871."* (Assented to 27th March, 1877.)

PREAMBLE.

WHEREAS "The Quarantine Act, 1871," contains several clerical errors which it is expedient should be corrected, and whereas the Act also requires amendment and explanation in certain particulars hereinafter specified; May it:

Correcting errors
in Act of 1871.

I. The third sub-section of the thirteenth section of the said Act shall henceforth be read, construed, and printed as if the word "permit" had been inserted in the original Act instead of the word "prevent"; also the second, third, and fourth sub-sections of the fifteenth section of the said Act shall henceforth be read, construed, and printed as if the words "visiting officer" had been inserted therein instead of the words "health officer" wherever such words occur in the said sub-sections, and as if the word "hereinbefore" had been inserted instead of the word "hereinafter" in the last line of the said fourth sub-section; and the thirty-fifth section of the said Act shall henceforth be read, construed, and printed as if the word "to" had been inserted therein next after the word "payable," and the thirty-seventh section of the said Act shall henceforth be read, construed, and printed as if the words "the Quarantine Hospital" were inserted therein instead of the words "any Quarantine Station"; any thing contained in the said original Act, or in the copies thereof heretofore printed, to the contrary notwithstanding.

Council's advice
taken out of
Council lawful.

II. Whenever by the said Act any act is authorised or required to be done by the Governor in Council, every such act, save and except that of declaring by Order in Council a port to be an infected port, may lawfully be done by the Governor acting with the advice of a majority of the members of the Executive Council then being in the Island of New Providence, taken out of Council in such manner as the Governor may think proper, any thing contained in the said Act to the contrary notwithstanding.

Fees for visita-
tion.

III. In lieu of the fees established by "The Quarantine Act, 1871," the medical officer discharging the duties of health officer at the port of Nassau shall be entitled to the following fees, to be paid to the said officer out of the Public Treasury by warrant in the usual manner, which shall be accepted and received by the said officer in lieu of boat hire or other means of conveyance to and from the station or vessels visited by him, that is to say:—

Quarantine
Hospital.

For every visit to the Quarantine Hospital at Athol Island, when any person or persons have been placed there in quarantine, and for examining and reporting on the state of the health of such person or persons—ten shillings.

Quarantine
Station.

For every visit to the Quarantine Station at Athol Island, or to any of the anchorages adjacent to the harbour of Nassau, at which a vessel or vessels may be placed in quarantine, and visiting, examining, and reporting on the state of health of the persons in such vessel or vessels, when the number of vessels at the time in quarantine at any such station or anchorage shall not exceed three, the sum of one pound one shilling, and when the number of such vessels shall exceed three, the additional sum of five shillings for each vessel so visited.

Number of
vessels.

Health officer's
duty at Nassau
and medical
practitioner's
duty at Out-
islands to attend

IV. Whenever any person placed in quarantine in Nassau shall require medical attendance, it shall be the duty of the health officer at the port of Nassau to act as the medical attendant of such person, and whenever any person placed in quarantine at any Out-island district,

shall require medical attendance, and there shall be any medical practitioner whose services can be procured, it shall be the duty of the Resident Justice to employ such last-mentioned medical practitioner to act as the medical attendant of the person being so ill and in quarantine, and the said health officer at Nassau and medical practitioner on the Out-island shall respectively be entitled to charge for any services so rendered, and if the person in respect to whom such services have been rendered shall be an officer or seaman belonging to any vessel placed in quarantine, or then being in any port or place within the colony, the fees and charges of such health officer at Nassau, and medical practitioner on the Out-island respectively, shall be a charge on such vessel, and shall be recoverable from the owner, master, or consignee of such vessel, or by attachment of the vessel, but in all other cases the charge shall be a personal one, and may be recovered accordingly, except the party be an unemployed seaman or otherwise in such a position as to render it probable that he is unable to pay the same, when the same shall be paid out of the Public Treasury by warrant in the usual manner, in which last-mentioned case, however, the said fees and charges shall not exceed the sum of ten shillings per day for each and every day during which the said person shall have been attended on by the said health officer at Nassau, or medical practitioner on the Out-islands; *Provided always*, that nothing herein contained shall extend or be construed to extend to prevent the employment in such case by the said master or other person a aforesaid of any other physician or surgeon whom he may prefer.

on any sick person in quarantine, and they may charge for these services.

Fees a charge on vessel.

Unemployed seamen how provided for.

Proviso.

V. Whenever any vessel shall arrive at the port of Nassau from any out-port of the colony, having entered or called without entry at any such out-port on a voyage from any port or place without the limits of the Government, in respect of which any Order in Council is in force declaring the same an infected port, the master of every such vessel, or other officer or person in charge of her, shall hoist a flag half-mast high as a signal for the visiting officer; and no person shall quit such vessel, nor shall any person board her after the hoisting of such flag until permission for that purpose shall be granted by the visiting officer, on pain of forfeiting a sum not exceeding fifty pounds; and every master or other officer or person in charge of any vessel aforesaid who shall neglect to hoist such flag, shall, in like manner, forfeit a sum not exceeding twenty-five pounds; and it shall be the duty of the visiting officer to proceed without any delay on board of every such vessel so arriving as aforesaid, and there make the examinations required by law.

Penalty for leaving vessel before visiting officer arrives and not hoisting a flag.

VI. The master or commander, or other person having charge of any vessel (Her Majesty's vessels of war bearing a medical officer only excepted) which shall have arrived from any port or place without the limits of this Government, shall, during the time such vessel may remain in port, within twelve hours next after any person on board shall have been taken ill, make a report in writing to the health officer, specifying the name of such sick person, together with that of the vessel, the name of the master, and how long such person shall have been sick, under the penalty of a sum not exceeding ten pounds for every neglect.

Penalty for not reporting a sick person.

VII. No person who is suffering from an infectious disease, or a disease of a doubtful or suspicious character, shall be landed from any of Her Majesty's vessels of war bearing a medical officer, nor shall any sick person be landed from any other vessel until the health officer shall have been first consulted and his sanction in writing obtained, under a penalty of a sum not exceeding twenty pounds, to be paid by the said master, commander, or other person in charge thereof as aforesaid.

Penalty for landing sick person without consulting health officer.

VIII. Any person offending against the provisions of the twenty-third section of the principal Act shall, in addition to being liable to be

Penalty—default of—imprisonment.

Repeals.

Citation and construction.

detained as therein provided, be subject to a penalty not exceeding twenty-five pounds, and in default of payment suffer imprisonment not exceeding two months.

IX. The sixth sub-section of the fifteenth section and the thirty-fourth section of the 34 Vic. c. 6, shall be and are hereby repealed.

X. This Act may for all purposes be cited as "The Quarantine Amendment Act, 1877," and shall be construed with and as forming part of the Act to which it purports to be an amendment.

No. 23.

46 Vic. c. 5. *An Act for making provision respecting Contagious and Infectious Diseases of Cattle and other Animals, and for other purposes.* (Assented to 6th March, 1883.)

Vessels arriving at Nassau with diseased animals how dealt with.

I. Whenever it shall be reported to the Governor by the port officer or any other person that a vessel has arrived at the port of Nassau having on board any animal or animals affected by or suffering with any contagious or infectious disease, or with any disease supposed to be of a contagious or infectious character, it shall be lawful for the Governor, acting with the advice of the Executive Council, taken in or out of Council, to direct that such vessel shall proceed to the Quarantine Station at Athol Island, and there remain in quarantine for such period as may be fixed by the said Governor and Council.

Vessels arriving elsewhere in the colony how dealt with.

II. In case any vessel shall arrive at any port or place within the colony other than the port of Nassau, having on board any animal or animals suffering from any disease of a contagious or infectious character, or with any disease supposed to be of a contagious or infectious character, it shall be lawful for the Resident or Assistant Resident Justice of the district or place at or near which such vessel may have arrived to require the master or other person in charge of such vessel to proceed with such vessel to the station at which vessels are required to perform quarantine under the existing quarantine laws of the colony.

Justices to report.

III. It shall be the further duty of the Resident or Assistant Resident Justice who shall have placed a vessel in quarantine, under the authority of the preceding section, at once to notify the same to the Colonial Secretary for report to the Governor in Council.

Vessels leaving any infected island have to perform quarantine under rules.

IV. Whenever it shall be made to appear to the Governor in Council that there is existing among any cattle or other animals at any island within this colony any disease of a contagious, infectious, or dangerous character, whether the same may be dangerous to the public health or not, it shall be lawful for the Governor, by Order in Council, to declare that all vessels departing from any island at which such disease may be, shall be liable to perform quarantine upon arriving at any other island within this Government, in such manner as shall be specially regulated by rules to be framed by the Governor in Council, which rules may from time to time be altered, amended or rescinded as to the said Governor in Council may seem advisable and expedient, and every such Order shall continue in force until annulled by the same authority.

Rules to be made by Governor and Council for carrying out this Act.

V. It shall be lawful for the Governor in Council to make any rule or rules necessary to be made for the purposes of this Act, and to provide by such rules for the due enforcement of any quarantine directed to be performed hereunder, and the destruction of any animal or animals which may be on board of any vessel placed in quarantine, and which in the opinion of the said Governor and Council should be destroyed, in order to the proper carrying out of the provisions of this Act.

VI. Every person committing any act in contravention of any rules made under the authority of this Act, shall be liable to a penalty not exceeding twenty pounds, which may be recovered before any salaried Justice within the island or district within which such breach of the said rules shall have been committed. Penalty and how recovered.

VII. The word "animal" in this Act shall include horses, mules, asses, cattle, sheep, goats, and swine. "Animal" defined.

VIII. All expenses incurred in the proper carrying out of this Act shall be payable out of the Public Treasury by warrant in the usual manner. Payment of expenses.

IX. Nothing in this Act contained shall extend or be construed to extend, to prevent vessels which have been placed in quarantine under its provisions from departing from such quarantine and returning to the port or place from whence such vessel had embarked her cargo. Vessels quarantined may return to port of embarkation.

No. 24.

47 Vic. c. 13. *An Act further to amend "The Quarantine Act, 1871."*
(Assented to 14th May, 1884.)

I. Whenever a vessel shall be placed in quarantine, or any seaman or other person belonging to any vessel, or any other person whether belonging to any vessel or not, shall be sent or detained in quarantine, or any such seaman or other person as aforesaid shall become chargeable on the public, all expenses whatsoever incurred on account of such vessel, or on account of any such seaman or other person as aforesaid, and all necessary attendances on or other services performed in respect of the same by the officers of any public establishment shall, as respects the said vessel, or seaman, or other person belonging thereto, be chargeable on the vessel so placed in quarantine, or to which the seaman or other person shall belong as aforesaid, and payment thereof and therefor shall be enforced in the name of the health officer in the same manner as is provided by the seventeenth section of "The Quarantine Act, 1871," for enforcing payment of expenses incurred in cleansing, purifying and disinfecting vessels; but in all other cases the charge shall be a personal one, and may be recovered accordingly in the name of the health officer. Vessels or persons placed in quarantine to bear expenses.

Payment enforced in name of health officer.

II. There shall be levied and charged against every person sent to the Quarantine Hospital by virtue of "The Quarantine Act, 1871," in addition to any charges and expenses now authorised by law, a hospital fee of four shillings per diem, the payment of which said hospital fee shall be enforced in the same and the like manner as is provided in the preceding section for enforcing payment of the expenses, attendances and services incurred and performed thereunder. Hospital fee of four shillings a day levied.

III. All hospital fees when collected by the health officer shall be paid by him to the Receiver-General and Treasurer, to be applied in aid of the general revenue of the colony. Fees paid to Receiver-General.

IV. The 35th and 36th sections of the 34 Victoria, chapter 6, shall be, and the same are hereby repealed. Repealed.

No. 25.

60 Vic. c. 26. *An Act further to amend the Quarantine Laws of the Colony.* (Assented to 20th May, 1897.)

I. This Act may be cited for all purposes as "The Quarantine Act Amendment Act, 1897." Short title.

Meaning of
"principal Act."

Additional
powers conferred
on the Governor
in Council to
make rules.

II. Whenever the words "principal Act" are used in this Act they shall be held to refer to and mean "The Quarantine Act, 1871."

III. In addition to the power conferred on the Governor in Council by the 13th and 28th Sections of the principal Act of making rules and regulations, it shall also be lawful for the Governor in Council to make rules upon the following matters, and such rules to annul, rescind, alter and change as occasion may require, that is to say:—

- (a.) For fumigating and disinfecting any vessel placed in quarantine and the cargo on board of such vessel.
- (b.) For fumigating and disinfecting the baggage and personal effects of any person or persons on board of such vessel.
- (c.) For removing from such vessel to the Quarantine Station, or any other place, any such cargo, baggage, and personal effects for the purpose of the same being fumigated and disinfected.
- (d.) For destroying any such baggage and personal effects, and directing mode of valuing same.
- (e.) For compelling all or any of the persons on board of any such vessel to be vaccinated when so required before landing at Nassau, or any other place within the colony.

Application of
rules and their
publication.

IV. All rules made under this Act shall apply to vessels employed in the transmission of mails between the port of Nassau and any other ports without the limits of the colony as well as to all other vessels, shall have the force and effect of law, and shall be published in the Official Gazette for general information.

Measures to be
adopted for
guarding against
the introduction
of disease into
the colony.

V. It shall also be lawful for the Governor acting by and with the advice of the Executive Council to adopt all such measures as the health officer may recommend, or as may otherwise appear to the Governor in Council to be necessary for guarding against the introduction of disease into the colony; and every Order issued by the Governor in Council in the exercise of the power hereby vested in him, and all acts performed in pursuance or under the authority of any such Order, shall be held to be, and shall be as good legal and valid as if the same was or were authorised in express words by some Acts of the General Assembly of the colony, and every person who shall disobey any such Order, or any part of such Order, or shall resist, obstruct, or otherwise oppose any other person in carrying such Order or any part thereof into execution, shall be liable upon summary conviction to a penalty not exceeding the sum of five pounds, and in default of payment thereof to imprisonment for any term not exceeding two months.

Penalty for non-
observance of
Governor's Order
in Council.

Penalty for re-
sisting health
officer and
others.

VI. Any person resisting or impeding the health officer, or the quarantine officer, or his or their assistants engaged in carrying out the provisions of this Act, or any of the rules made under sub-sections (a.) (b.) (c.) (d.) of Section 3 of this Act, shall be liable on summary conviction to a penalty not exceeding the sum of five pounds, and in default of payment thereof to imprisonment for any term not exceeding two months.

Penalty for re-
fusing to obey
rules.

VII. Any person refusing to obey any rule made under Sub-section (e.) of Section 3 of this Act shall be liable to be detained at the Quarantine Station at his or her expense until the rule is complied with; and any person detained under this section shall be deemed to be in quarantine and subject to the provisions of the principal Act.

Sections 4, 5, 6, 7,
8, and 9 of prin-
cipal Act to apply
to mail and other
vessels.

VIII. Notwithstanding anything contained in the 28th Section of the principal Act the provisions of the 4th, 5th, 6th, 7th, 8th and 9th sections of such Act shall apply to vessels employed in the transmission of mails—and the said sections shall also apply to every vessel arriving at any port of this colony from any place, although such place has not been declared an "infected place" under the principal Act—anything in the said Act to the contrary notwithstanding.

IX. All expenses incurred under this Act in fumigating and disinfecting any vessel, cargo, baggage, or personal effects shall be a charge on such vessel, and shall be recoverable by summary proceedings before any magistrate whatever may be the amount from the owner, master, consignee, or consignees of such vessel in the discretion of the party suing for the same.

Recovery of expenses.

Proceedings under this section shall be governed by the laws regulating the duties of magistrates, and Part 6 of "The Magistrates Act, 1896," shall apply to all such proceedings as aforesaid, notwithstanding that the amount sought to be recovered exceeds the sum of ten pounds, and any judgment or order given or made by a magistrate, may be enforced by levy on and sale of such vessel as aforesaid, or any of her appurtenances.

Proceedings how governed.

X. It shall be lawful for the Governor in Council by warrant in the usual manner to direct the payment out of the Public Treasury of the value of any baggage and personal effects destroyed under any rule made under this Act.

Payment for baggage, &c., destroyed.

XI. This Act shall be deemed to be incorporated with the principal Act, and shall be construed as if the said Act, except such parts thereof as are repealed or amended by this Act or any other Act, and this Act were one Act.

Act deemed to be incorporated with principal Act, with certain exceptions.

CLASS VII.

BAHAMA LICENSED SALVING VESSELS AND SEAMEN.

No. 1.

21 Vic. c. 1. *An Act to consolidate and amend the Laws for the government of vessels, boats, and persons employed in rendering assistance to and saving ships, persons, and goods stranded or in peril within the limits of the Bahama Islands, and for other purposes.* (April 20th, 1858.)

I. That, from and after the commencement of this Act, all vessels and boats intended to be employed, either casually or continually, in saving and rendering assistance to vessels, persons, and goods wrecked, stranded, or otherwise in peril within the limits of the Government of these islands, and all persons engaged on board of such vessels and boats in any capacity whatever, while such vessels or boats shall be in prosecution of such employment as aforesaid, shall be licensed under the hand of the Receiver-General and Treasurer of the colony, according to the respective forms of licence set forth in the schedules to this Act annexed, marked respectively A and B, which licences shall continue in force for one year from the date thereof, and shall respectively be numbered in each year from number one upwards, the numbers for vessels and boats to be kept separate from those for persons: Provided always, that nothing herein contained shall extend or be construed to extend to prevent unlicensed persons from working, or unlicensed vessels and boats being employed in rendering assistance to vessels, persons, and goods wrecked, stranded, or otherwise in peril, in cases where there may be no licensed persons, vessels, or boats, or not a sufficient number of licensed persons, vessels, or boats present to render efficient and timely aid to the particular vessel, persons, or goods so being then wrecked, stranded, or in peril.

Persons, vessels and boats, employed in saving vessels and property wrecked or in peril, require to be licensed by the Receiver-General of the colony annually.

Proviso.

Unlicensed persons may work, and unlicensed vessels or boats may be employed as above, where there may be no licensed persons, vessels or boats, or an insufficient number present.

Duty of junior clerk in office of Receiver-General in Nassau, and of the collectors of revenue at the out-ports.

Bond in £200 with one sufficient surety, to be entered into with the condition specified before any licence for a vessel or boat is granted.

Penalty on master of wrecking vessel employing any unlicensed person on board thereof.

Master of licensed vessel required to enter into an agreement in writing with any person employed on board thereof.

Duty of master of every wrecking vessel on his arrival at a port of entry with wrecked or stranded property on board.

Agreements of consortium unlawful except in accordance with the principle of sharing prescribed by this Act.

Crews of wrecking vessels to be apportioned to their size.

II. That it shall be the duty of the junior clerk in the office of the Receiver-General and Treasurer in Nassau, and of the several collectors of revenue in the Out-island districts of the colony, who are hereby constituted the deputies of the Receiver-General and Treasurer for the purposes of this Act, under such instructions as may from time to time be issued to him and them respectively for the purpose by the Receiver-General and Treasurer, to receive applications for licences, to make out and deliver the same, and to register in a book to be kept for the purpose the names of all vessels, boats, and persons so licensed, and properly to index such book so as to make the same easy of reference; and it shall be the duty of the Receiver-General and Treasurer, or his lawful deputy, as the case may be, before signing any personal licence to satisfy himself that the party applying to be licensed is not disqualified under any of the provisions of this Act hereinafter contained.

III. That every person applying for a licence under this Act for any vessel or boat shall, before such licence is granted, enter into bond to Her Majesty, her heirs and successors, with one good and sufficient surety in the penal sum of two hundred pounds, with the following condition underwritten, that is to say: "The condition of the above obligation is such, that if the said (here insert the name of vessel or boat) shall not leave the Bahama Government without having been duly cleared out, and the usual clearance or passport having been obtained by the master, then this obligation to be void or otherwise to remain in full force and virtue;" which bond shall be taken by the Receiver-General and Treasurer, and retained by him in his office, and shall and may be put in suit by order of the Governor, or at the instance of any person aggrieved by any wrongful act of the master for the time being of the licensed vessel or boat in respect of which the said bond was entered into.

IV. That the master of any licensed wrecking vessel or boat, who during the prosecution of a wrecking voyage shall employ in any capacity on board thereof any unlicensed person, shall incur and be subject to a penalty not exceeding ten pounds.

V. That it shall not be lawful for the master of any vessel licensed under this Act to employ on board of such vessel any person or persons without first entering into an agreement in writing with every such person in manner and in accordance with the form prescribed by and under the penalties imposed by the Act of Assembly, passed in the second year of Her present Majesty's reign, chapter three.

VI. That it shall be the duty of the master or other person in charge of every wrecking vessel on his arrival at a port of entry from a wrecking voyage, having wrecked or stranded property on board, to exhibit his wrecking articles at the office of the Receiver-General and Treasurer, or Collector of Revenue, as the case may be, as also the licences of his crew, before he shall be allowed to land any of his cargo.

VII. Repealed by 37 Vic. c. 9; *post*, this Class, No. 4.

VIII. That it shall not be lawful for the master of any vessel or boat employed as aforesaid, or for any other person interested in any such vessel or boat, to enter into any agreement of consortium with the master of any other vessel or boat employed as aforesaid, or with any other person interested in such other vessel or boat, except in accordance with the principle of sharing by this section prescribed, that is to say, in all cases of consortium, the shares allotted to the respective vessels or boats to which such consortium shall relate, shall be as follows:—

To every vessel or boat under 10 tons, new admeasurement, carrying a crew, including the master and officers, of 5 able men—5 shares.

To every vessel of 10 tons or upwards, but under 15 tons, carrying a crew, including the master and officers, of 6 able men—6 shares.

- To every vessel of 15 tons or upwards, but under 20 tons, carrying a crew, including the master and officers, of 7 able men—7 shares.
- To every vessel of 20 tons or upwards, but under 25 tons, carrying a crew, including the master and officers, of 8 able men—8 shares.
- To every vessel of 25 tons or upwards, but under 30 tons, carrying a crew, including the master and officers, of 9 able men—9 shares.
- To every vessel of 30 tons or upwards, but under 35 tons, carrying a crew, including the master and officers, of 10 able men—10 shares.
- To every vessel of 35 tons or upwards, but under 40 tons, carrying a crew, including the master and officers, of 11 able men—11 shares.
- To every vessel of 40 tons or upwards, but under 45 tons, carrying a crew, including the master and officers, of 12 able men—12 shares.
- To every vessel of 45 tons or upwards, but under 50 tons, carrying a crew, including the master and officers, of 13 able men—13 shares.
- To every vessel of 50 tons or upwards, but under 55 tons, carrying a crew, including the master and officers, of 14 able men—14 shares.
- To every vessel of 55 tons or upwards, but under 60 tons, carrying a crew, including the master and officers, of 15 able men—15 shares.
- To every vessel of 60 tons or upwards, but under 65 tons, carrying a crew, including the master and officers, of 16 able men—16 shares.
- To every vessel of 65 tons or upwards but under 70 tons, carrying a crew, including the master and officers, of 17 able men—17 shares.
- To every vessel of 70 tons or upwards, but under 75 tons, carrying a crew, including the master and officers, of 18 able men—18 shares.
- And one additional share for every additional 5 tons over such 70 tons, provided one additional man is carried for every such additional 5 tons.

Provided always, that if any vessel or boat employed as aforesaid shall carry a less number of licensed men than is hereinbefore provided for, for vessels or boats of her tonnage, then and in every such case a reduction shall be made in the shares of such vessel, in proportion to the difference between the actual number of her crew and the number of men so as aforesaid hereinbefore provided to be carried by vessels or boats of her tonnage. Provided also, that if any vessel, while employed as aforesaid, shall be laden with any cargo whatsoever other than articles saved in the course of such employment, then and in every such case a reduction shall be made in the shares of such vessel in proportion to the space occupied by such cargo. And provided further, that if any vessel or boat employed as aforesaid shall carry a greater number of men than is hereinbefore provided for, for vessels or boats of her tonnage, such excess shall not entitle the owners and others interested in such vessel or boat to any greater number of shares in any salvage remuneration earned in consortship as aforesaid than the number of shares hereinbefore allotted to vessels or boats of the like tonnage. Proviso.

IX. That any contract or agreement made between the masters of any vessels or boats as aforesaid, or between any persons whomsoever, whereby a larger number of shares is allotted to any vessel or boat than the number by the preceding section provided for, for vessels or boats of similar amount of tonnage, shall be void. Contracts or agreements in opposition to preceding section void.

X. AND WHEREAS, the masters of vessels and boats, frequently after having fallen in with a wrecked or stranded vessel, or wrecked or stranded goods, or with a vessel in distress, enter into agreements with each other, commonly called as aforesaid agreements of consortship, by the terms of which not only the respective owners, officers, and crews of such vessels and boats become jointly interested in any salvage remuneration which may be received by the officers and crews of such vessels respectively, but the owners, officers, and crews of licensed vessels not being present at the time, but between whom and some of the parties present agreements of consortship are then existing, are admitted to share Agreements of consortship with owners, officers, or crew of a vessel absent from a wrecked or stranded vessel, whence remuneration as salvage is derivable, to be void for the reasons specified.

in such salvage or remuneration in the same and the like manner as if such last-mentioned vessels were then present. And whereas such agreements are prejudicial not only to the interests of owners of wrecking vessels generally, but the delay which frequently occurs in settling the terms on which such absentees are to be admitted as parties to such agreements, operates injuriously to the interests of the owners and other persons interested in the vessels and goods then being in peril and requiring assistance; for remedy whereof, be it enacted, that every such agreement of consortship as first aforesaid, so far as the same relates to the admission of the owner or owners, officers and crew of any vessel not being actually present at the time such agreement is entered into, to share generally in the salvage remuneration to be earned under such agreement, shall be void, and the owner or owners, officers and crew of any such absent vessel shall only be entitled to share in the portion of such salvage received by their immediate consorts, and not otherwise.

XI. Repealed by 29 Vic. c. 16.

Custody of
licence of vessel,
officers, and crew
to be with the
master.

XII. That the master of every vessel or boat licensed under this Act shall at all times while such vessel or boat shall be in prosecution of the employment for which she shall be so licensed, have the custody and possession of the licence of his vessel or boat, as also of the licences of the officers and crew thereof: and it shall be the duty of every such licensed master, when required so to do by the master or other person in charge of every vessel wrecked, stranded, or otherwise in peril, to whom the services of such licensed master, officers, and crew may have been tendered, or by any other person having authority to demand the same, to produce and exhibit such licences, and permit the same to be read or inspected; and it shall be also the duty of every other licensed person, who may not form one of the officers or crew of a licensed vessel, in like manner, on requisition as aforesaid, to produce his personal licence, under a penalty for neglect or refusal in any such case as aforesaid of a sum not less than five shillings nor exceeding one pound.

Penalty on
licensed persons
refusing to
exhibit their
licence when
required.

Who shall be
leader of
wreckers under
style of "Wreck
Master,"

XIII. That the master or person in charge of any such licensed vessel of ten tons, new admeasurement, which shall first board any vessel wrecked, stranded, or in distress, or if two or more such masters board any such vessel simultaneously, then one of them, to be selected by the master or other chief officer, or person in charge of such vessel, shall, under the direction of such master, chief officer, or other person aforesaid, become the leader of all wreckers employed at or engaged in saving property from or otherwise rendering assistance to any vessel, and such person shall be styled the wreck master; and it shall be his duty to aid the master or other chief officer, or other person in charge of the vessel so wrecked, stranded, or in distress as aforesaid, to preserve order, and adopt all measures, and give every facility at the command of the salvors, for the preservation of life and property, and generally to see that the regulations established by this Act be observed and obeyed by all persons concerned. And any person wilfully or knowingly acting contrary to, resisting the authority of, or otherwise disobeying the orders of such master, chief officer, or other person in charge as aforesaid, or of the wreck master aforesaid, or who shall commit any act of violence, or make use of any threat towards any other person employed thereat, shall, on conviction, be liable to pay a fine of not less than ten pounds, nor exceeding one hundred pounds, or to imprisonment for any term not exceeding six months, in addition to which punishment every person so convicted shall be liable to permanent or temporary disqualification for holding a licence in manner hereinafter provided for.

His duty.

Penalty on re-
sisting authority
of wreck master.

XIV. Repealed by 29 Vic. c. 16.

Duty of master
of licensed boat
or vessel em-

XV. That it shall be the duty of the master of every vessel or boat licensed under this Act, in which any wrecked, derelict, or stranded

property may be brought into any port of entry in this colony, to see to the safe and proper delivery of such property to the person or persons entitled to the custody thereof; and if any such property shall be found on board of such vessel or boat, after such vessel shall have been reported to the proper officer of the Revenue department by such master as having entirely discharged her cargo, such master shall be liable to a penalty of not less than five shillings and not exceeding five pounds, unless he can clearly show and satisfy the adjudicating justices that he has used due and reasonable care and diligence to ascertain the correctness of his report before he shall have made the same.

XVI. That no wrecked, stranded, or derelict property shall be liable to forfeiture by reason or on account of being found on board of any wrecking vessel or boat, after such vessel or boat shall have been reported as having discharged her cargo, nor by reason or on account of having been illegally or irregularly landed or otherwise illegally dealt with, by or through the instrumentality of any person other than the owner of such property, or the master or other person in charge of the wrecked or stranded vessel, or the agent or consignee of such owner or master; and if any property as aforesaid shall be seized or taken possession of by the officers of the Receiver-General's department, or by the police authorities, the same shall be returned without fee or charge to the person or persons lawfully entitled to the custody thereof.

XVII. That persons debarred from the privilege of commanding or serving on board of vessels or boats licensed under this Act, shall forfeit all shares to which they would be entitled during the period of the continuance of their disqualification, if they shall be employed by the owner or master of any such licensed vessel or boat.

XVIII. That in case of stranding, where the vessel cannot be saved, it shall be the duty of the wreck master to see that there be no crowding of the crews of the wrecking boats and vessels on board of the wreck, so as to impede the proper and careful saving of the cargo, but that only as many as can conveniently and expeditiously work, haul alongside at the same time, priority being given as nearly as practicable in the order in which they may have arrived; and that it shall not be lawful to land any property from a wreck unless there shall not be a sufficiency of wrecking vessels to receive the whole, nor until the vessels present shall have been all laden: Provided, however, that nothing herein contained shall apply to vessels or goods found derelict.

XIX. AND WHEREAS, in cases of stranding, the safety of the stranded vessel may be endangered by persons unnecessarily pressing on board thereof: Be it enacted, that it shall be the duty of the wreck master to aid the master or other chief officer of the stranded vessel, to prevent any person or persons, against the wish or without the consent of such master or chief officer, from entering on board of such stranded vessel; and, if found necessary, it shall be lawful for such master or other chief officer and the wreck master, and any other person or persons whom they shall call to aid, to repel by force any person or persons so improperly pressing on board such vessel; and in case any person shall molest such master or other chief officer of such vessel, or the wreck master or any other person aiding them and employed in the preservation of such vessel, or shall endeavour to impede or hinder the saving of such vessel and the cargo laden on board thereof, such person shall, on conviction before any two justices of the peace, forfeit and pay a sum of not less than one pound and not exceeding ten, and suffer such imprisonment, not exceeding three months, as the convicting justices shall direct: Provided, however, that in the event of the attempts of such master or other chief officer as aforesaid, and of the wreck master and other persons employed in endeavouring to save such

played in saving property from wrecked vessels to see to the safe and proper delivery thereof.

Wrecked property not liable to forfeiture under certain circumstances, though illegally landed or dealt with.

Shares of disqualified person forfeited.

Duty of wreck master in case of wreck to secure the proper and careful saving of cargo by preventing crowding of the crews of wrecking vessel and boats on board of the wreck.

Proviso.

Duty of wreck master to prevent a person boarding a wrecked vessel against the will of the master or chief officer of such vessel.

Penalty on offenders under this section.

Proviso in the event of an attempt to save stranded vessel

being unsuccessful.

vessel proving unsuccessful, and if it shall become necessary to take out the cargo of such vessel, or obtain sufficient additional aid for the purpose of carrying out anchors, kedges, or warps, or of otherwise assisting the said vessel off the ground, then all wrecking boats and vessels present shall be permitted by the wreck master, in the order in which they may have come to the assistance of such vessel (as in the next preceding section provided), to haul alongside and obtain a load of the cargo or other property belonging to such vessel, until the whole thereof be saved, or to afford such assistance as aforesaid, as the case may be; and if any such wreck master shall, without reasonable and just cause, refuse to give such permission, or conform to the terms of this enactment, he shall, on conviction before any two of Her Majesty's justices of the peace, forfeit and pay a sum not exceeding fifty pounds, and in default of payment be imprisoned for any period not exceeding eighteen months, and also forfeit his licence for a period of twelve months, in addition to his liability to the party aggrieved in an action for damages.

Penalty on wreck master under circumstances stated.

Penalty on persons who shall break open, cut, chop, or purposely injure any package of the cargo or lading of a wrecked vessel for the purpose of discovering the contents thereof.

XX. That it shall not be lawful for any person employed in saving property from a wrecked vessel to break open, cut, chop, or otherwise purposely injure any package of the cargo or lading of such wreck for the purpose of ascertaining the contents thereof; but every part of the lading of such wrecked vessel, and of all other property on board of or belonging to such wreck, shall be saved as nearly as practicable in the state and in the order in which the same may be found or may come to hand; nor shall it be lawful for the cables and anchors attached to any wreck to be removed therefrom, or the lower masts and standing rigging, or the tackles, blocks, and other portions of the gear of such wreck, necessary to facilitate the removal and preservation of the cargo to be cut away or removed until such cargo shall have been saved; and any person offending in any of the particulars aforesaid shall, on conviction before any two justices of the peace, forfeit and pay a penalty of not less than one pound, nor more than ten pounds, and shall also forfeit all right and title to participate in any salvage awarded for the saving of any such property, besides being disqualified by the convicting justices from being licensed for a period not exceeding six months.

Bargains or agreements between masters of wrecked vessels and salvors unlawful; penalties imposed.

XXI. That it shall not be lawful for the master or other chief officer of a vessel stranded or in distress and requiring assistance to make any bargain or agreement with any salvor for a participation in the remuneration or salvage to be obtained by such wreckers for his services, under a penalty against such master or other officer of one hundred pounds, and against any salvor who shall be a party to any such agreement, of entire forfeiture of the remuneration or salvage to which he would otherwise have been entitled, and a disqualification to be again licensed for a period not exceeding two years.

Agreements between the master or chief officer of any vessel in distress or stranded and the master of a licensed wrecking vessel not binding.

XXII. That any agreement made between the master or other chief officer in charge of any vessel in distress, or stranded within the waters of these islands, and any master or other person belonging to a licensed vessel or boat, for services to be rendered by the latter, shall not be binding on such master or other officer if, after he shall have arrived at any port within the colony where the question of compensation for the services which shall have been performed can be legally and equitably adjudicated, he shall think proper to refer or submit such question for inquiry and adjudication.

Remuneration to a wreck master for his trouble in the proper performance of his duty.

XXIII. That the wreck master, in consideration of the trouble and responsibility by this Act imposed on him, shall be entitled to extra remuneration, and it shall be lawful for the Court, justices of the peace, or other body by or before whom the question of remuneration or salvage is decided or awarded, if satisfied of the correct and

impartial performance by such wreck master of the several duties imposed on him by this Act, to award to such wreck master an extra salvage or remuneration, from five pounds to twenty pounds, as according to the circumstances of the case and the whole amount of salvage earned, the Court, justice, or other body shall consider equitable.

XXIV. That if any person having signed an agreement to serve on board of any vessel licensed under the authority of this Act, shall wilfully and without leave quit such vessel, or absent himself from his duty in such vessel, either before such vessel shall have actually sailed on the voyage for which such person had agreed to serve as aforesaid, or at any time afterwards before the termination of the voyage, he shall, on conviction thereof, be subject to the penalties imposed by the Act of the present session, amending the Act of the said second year of Her Majesty's reign, chapter three.

Penalty on persons having signed an agreement to serve on board a licensed vessel quitting the same without leave.

XXV. That if the master of any vessel or boat licensed under this Act shall take out of the colony any wrecked, stranded, or derelict property saved by him, his officers or crew, or of which he or they shall in any way become possessed under the authority of this Act, every such master, and every person aiding and assisting him in so doing, shall forfeit and pay a sum not less than fifty pounds, nor exceeding five hundred pounds, and if any master as aforesaid of any such licensed vessel or boat shall neglect or refuse, with all convenient speed, to convey any wrecked, stranded, or derelict property saved by himself, his officers or crew, either to the port of Nassau or to such other port of entry within the colony as may be selected for that purpose by the master of the wrecked or stranded vessel, every such master so offending shall for every such neglect or refusal forfeit and pay a sum not less than ten pounds nor exceeding fifty pounds.

Penalty on the master of any licensed vessel taking out of the colony any wrecked, stranded, or derelict property saved by him, his officers, or crew.

XXVI. That all Her Majesty's naval officers who may be stationed or happen to be on or near the coasts of these islands, and who shall fall in with or arrive at any vessel wrecked, stranded, or in peril within the limits of the said islands, may, at the solicitation of the master of the wrecked vessel, assume the duties and be invested with the full power and authority of wreck master, and who shall be guided and bound by all the provisions of this Act for the guidance of said wreck master: Provided that neither the naval officer aforesaid, nor any of his crew, shall participate in any salvage.

Power conferred on Her Majesty's naval officers stationed in or near the coasts of these islands in respect to vessels wrecked, stranded, or in peril.

XXVII, XXVIII, and XXIX Sections are repealed by 1 Sec. 22 Vic. c. 1.

XXX. Repealed by 29 Vic. c. 16.

XXXI. and XXXII. repealed by 27 Vic. c. 24.

XXXIII. to XXXIX. inclusive, repealed by 28 Vic. c. 29.

XL. That all fines and pecuniary penalties imposed by this Act, the recovery of which is not otherwise provided for, shall, when the amount thereof does not exceed ten pounds, be recovered before any one of Her Majesty's justices of the peace, and when the same shall exceed ten pounds, shall be recovered in the General Court of these islands, and the payment of all such fines and penalties shall be enforced by levy and sale of the offender's goods and chattels, or by arrest of the person of the offender, and the committal thereof to any lawful prison within the colony: Provided, however, that no imprisonment under this clause shall extend to a longer period, in case of a recovery before a justice of the peace, than six months, nor in cases of recovery in the General Court, to a period of two years; And provided also, that imprisonment in any such case shall always cease upon the payment of the fine or penalty and costs of proceedings.

Fines and pecuniary penalties, mode of recovery.

Period of imprisonment limited.

XLI. That all offences under this Act in which the mode of proceeding is not by this Act defined, shall be tried in the General Court of these islands, and it shall be lawful for the said Court, on the con-

Trial and punishment of offences under this Act not otherwise provided for.

viction of a person for any such offence, or for any other offence over which the said Court shall have jurisdiction, as also for any justice or justices of the peace in cases in which such justice or justices has or have the power of summary adjudication, to add to any sentence which they may now or hereafter be empowered to pass upon any person who shall have been duly convicted of any offence punishable by law, that the wrecking licence of the convicted person shall be suspended for a definite period or be cancelled, or that he should be thenceforth and thereafter wholly disqualified from holding or using a wrecking licence; and it shall be the duty of the Clerk of the Court passing such sentence, or in the absence of a clerk, the convicting justice or justices, as the case may be, to forward forthwith a copy of the sentence or conviction to the office of the Receiver-General and Treasurer, where it shall be kept of record and properly noted in the book of registry of licences.

Duty of clerk of a Court or convicting justice in the absence of a clerk.

General superintendence of provisions of this Act vested in Governor in Council.

Copy of Act, with regulations to be furnished to every master of a licensed vessel.

Salvage remuneration forfeited by persons convicted of any offences under this Act, one moiety payable into the Treasury, the other moiety to the informer.

Protection from prosecutions of persons acting under this Act.

Right of appeal to General Court in cases of conviction before justices of the peace.

Regulations in respect to persons dealing in old junk, old iron, old copper, old brass, &c., or marine stores of any description.

XLII. That the Governor in Council shall have the general superintendence of all matters connected with the provisions of this Act, and it shall be lawful for the Governor in Council, from time to time, to make such regulations as may be deemed needful for carrying into effect the provisions of this Act, which regulations, together with a copy of this Act, shall be furnished to every master of a vessel or boat licensed under this Act.

XLIII. That any person who may be convicted of any offence under this Act, shall in addition to the pains and penalties attached to such offence, forfeit all claim to any salvage remuneration for services performed under this Act, in respect of the particular vessel or property to which such offence related, and the amount of the share of such person shall be collected by the Receiver-General and Treasurer, and one moiety thereof shall be paid into the Public Treasury in aid of the expenses of the Government, and the other moiety to the person or persons who shall have given information sufficient to convict the offender: Provided always, that nothing herein contained shall be construed to apply to the forfeiture of the shares of the owner or any other person interested, unless he or they shall have been proved to be a party or parties to the commission of such offence.

XLIV. That if any action or suit shall at any time be commenced or prosecuted against any person or persons for anything done in pursuance of this Act, the defendant or defendants in such suit or action may plead the general issue, and give this Act and the special matter in evidence at the trial of such action or suit, and that the same was done in pursuance and by the authority of this Act; and if the plaintiff be nonsuited or discontinue his action after appearance, or if judgment be given for the defendant or defendants, such defendant or defendants shall be entitled to his costs.

XLV. That in all cases of conviction under this Act before justices of the peace, the parties convicted shall have a right to appeal against such conviction to the General Court at Nassau, according to the provisions of an Act passed in the tenth year of Her Majesty's reign, entitled "An Act for the better regulating appeals in cases of summary conviction."

XLVI. Every person dealing in, buying, and selling old junk, old iron, old copper, old brass, composition, or marine stores of any description, shall conform to the following regulations (that is to say):—

1. He shall keep a book or books fairly written, and shall enter therein an account of all such marine stores as he may from time to time become possessed of (except such as he may purchase at public auction), stating in respect of each article the month and year when, and the person from whom he purchased or received the same, adding in the case of every such last-mentioned person a description of his business and place

- of abode; if he does not, he shall incur for the first offence a penalty not exceeding two pounds, and for every subsequent offence, a penalty not exceeding five pounds.
2. He shall not by himself or his agents purchase marine stores of any description from any person apparently under the age of sixteen years; if he does he shall incur, for the first offence, a penalty not exceeding three pounds, and for every subsequent offence, a penalty not exceeding five pounds.
 3. That such books at all times be open to the inspection of the inspector of police; if he refuse to show them on demand or request, he shall, for every offence incur a penalty of a sum not exceeding five pounds.
 4. Every dealer, as aforesaid, shall register his name at the police office; if he does not, he shall incur a penalty of a sum not exceeding three pounds.

XLVII. That this Act may be cited for all purposes as "The Licensed Vessels Act, 1858."

This Act may be cited as "Licensed Vessels Act, 1858."

XLVIII. That from and after the commencement of this Act, the following Acts and parts of Acts shall be, and the same are hereby declared to be repealed, that is to say, the eleventh Victoria, chapter twenty-four; sixteenth Victoria, chapter one; eighteenth Victoria, chapter seventeen; the eighth section, second Victoria, chapter three; the fifth, sixth, seventh, and eighth sections of the fourth Victoria, chapter twenty-five; and the seventeenth, eighteenth, nineteenth, and twentieth sections of the second Victoria, chapter five; as also so much of the first section, sixteenth Victoria, chapter five, as relates to wrecked or stranded property.

Acts and parts of Acts repealed.

XLIX. That this Act shall commence and take effect on the first day of July, 1858, and continue in force for the space of five years, and from thence to the end of the then next session of the General Assembly of these islands and no longer.*

To commence on 1st July, 1858.

Five years' duration.

SCHEDULES.

SCHEDULE A.—FORM OF LICENCE.

Bahama Islands:

By

Receiver-General and Treasurer of the said islands.

These are to license, for one year only, the Bahama schooner (or other description of vessel or boat, as the case may be, here insert names of vessel) of and belonging to the port of _____ whereof _____ is or are owner or owners, to sail and be employed as a wrecking vessel, within the limits of the Government of the Bahama Islands, under the authority of "The Licensed Vessels Act, 1858."

Given under my hand at (here insert place where licence is issued) this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

(Signed) A. B.
Recr.-Genl. and Treas.,
or
C. D.,
Collector of Revenue acting
as Depy. Recr.-Genl.

* This Act, and Nos. 2, 3, 4, and 5 of this Class, continued in force by 61 Vic. c. 18.

SCHEDULE B.—FORM OF LICENCE.

Bahama Islands :

By

Receiver-General and Treasurer of the said islands.

These are to license, for one year only, A. B., of the Island of
mariner, to be engaged or employed in the
system of wrecking, within the limits of the Government of the Bahama
Islands, under the authority of "The Licensed Vessels Act, 1858."

Given under my hand at (here insert place where licence is issued)
this day of in the year of our
Lord one thousand eight hundred and

(Signed) A. B.
Recr.-Genl. and Treas.,
or
C. D.,
Collector of Revenue acting
as Depy. Recr.-Genl.

No. 2.

28 Vic. c. 14. *An Act to amend "The Licensed Vessels Act, 1858."*
(Assented to 28th March, 1865.)

PREAMBLE.

WHEREAS it is expedient to provide for the holding of formal in-
vestigations in the cases of wreck, or other marine casualty, as
hereafter specified; May it, &c. :

I. In any of the cases following, that is to say :—

Whenever any ship is lost, abandoned, materially damaged, or
stranded on or near the coasts of the Bahamas ;

Whenever any ship causes loss or material damage to any other ship
on or near such coasts ;

Whenever, by reason of any casualty happening to or on board of
any ship on or near such coasts, loss of life ensues ;

It shall be lawful for the police magistrate of the district at or near
the place where such loss, damage, or casualty occurred, or at
which the master of, or any part of the crew, shall arrive, or for
any justice of the peace, specially authorised by the Governor
for the purpose, or in the absence of the police magistrate, and
in default of any other justice being specially appointed, as
aforesaid, for any other justice of the peace, there resident, to
hold a formal investigation into the cause of and circumstances
attending such loss, abandonment, damage, stranding, or casualty ;
and any such police magistrate or other justice shall for that
purpose, so far as relates to the summoning of parties, com-
pelling the attendance of witnesses and the regulation of the
proceedings, have the same powers as if the same were a
proceeding relating to an offence or cause of complaint upon
which he has power to make a summary conviction or order, or
as near thereto as circumstances permit ; and upon the conclu-
sion of the case, the magistrate or justice shall send a report
to the Governor containing a full statement of the case and of
his opinion thereon, accompanying such report, with the evidence
taken, and such observations, if any, as he may think fit.

II. In cases where nautical skill and knowledge are required, it shall
be lawful for the Governor, if he think fit, to nominate, or, failing such
nomination, for the police magistrate or other justice holding the inves-
tigation, to associate with him some person of nautical skill and know-

Police magistrate
or other justice
to hold an in-
vestigation into
the cause of cer-
tain casualties to
ships; report to
be sent the
Governor.

Persons of
nautical skill
may act as
assessors.

ledge to act as assessor, and such assessor shall, upon the conclusion of the case, either signify his concurrence in the report by signing the same, or, if he dissents therefrom, shall signify such dissent, and his reasons therefor, to the Governor.

III. It shall be lawful for the Governor in Council, in his discretion, to allow to every police magistrate, or other justice holding an investigation under this Act, and to the assessor sitting with him, reasonable remuneration for the services performed by them, not exceeding in each case £3, and there shall be also paid to such police magistrate or other justice such further sum as he shall show to the satisfaction of the Governor to be a reasonable charge for the clerical duties performed, either by himself or any clerk employed by him, in taking down the evidence and making a fair copy thereof, and of the report, and for actual travelling expenses incurred by him; and there shall further be paid to each witness attending any investigation as aforesaid, who may be brought from any island other than that in which the investigation is held, or who may be about to depart without the jurisdiction of these islands, such an allowance as the Governor in Council may deem fair and reasonable, not exceeding, however, the allowance usually made to witnesses summoned to the General Court in civil cases.

Remuneration
for duty im-
posed.

IV. This Act shall continue in force during the continuance of the Act to which it is an amendment.

Duration clause.

No. 3.

29 Vic. c. 16. *An Act to amend "The Licensed Vessels Act, 1858."*
(Assented to 11th May, 1866.)

WHEREAS it is expedient that "The Licensed Vessels Act, 1858," should be amended in the particulars hereinafter set forth; May it, &c.:

PREAMBLE.

I. No person under the age of sixteen years, except as hereinafter provided for, and no person of any age who is not a mariner by profession, shall be licensed to be employed in wrecking, and no licence shall be granted until satisfactory proof is made to the proper officer of the requisite age and qualification of the party applying to be licensed.

Qualifications of
persons who may
be employed in
wrecking.

II. No decked boat or vessel under five tons burthen (such tonnage to be ascertained by actual measurement by the proper officer appointed for the admeasurement of shipping), and no open boat of any size shall be licensed under the Act to which this Act is an amendment.

Size of boats to
be employed.

III. Every vessel in respect of which a licence is applied for must be tight and stanch, supplied with spare tackles, a spare anchor and hawser, corresponding with the size of the vessel, and supplied, if under twenty tons, with at least one good boat; and every vessel above twenty tons burthen with two good boats, and in all other respects properly adapted for sea-going purposes; and a licence shall not be granted until the proper officer appointed to grant the same shall be satisfied that the vessel is of the condition and is supplied with the appliances aforesaid.

Character and
appliances of
wrecking vessels.

IV. Every licensed vessel shall, during the period of her continuing in the employment of wrecking, carry the several spare articles, and the boats by the preceding section required to be carried; and the master of any such vessel making or allowing default to be made therein shall forfeit and pay one pound per day for each and every day on which any such default shall occur.

Penalty on
master of wreck-
ing vessels.

Licensed vessels
may carry two
boys.

V. Every licensed vessel may, in addition to the complement of able men which he is authorised to carry by "The Licensed Vessels Act, 1858," carry two boys under sixteen years of age, to be specially licensed for such vessels, and such two boys shall be counted as equal to one able man, in estimating the number of tonnage shares of the vessel under the eighth section of the Act to which this Act is an amendment.

Every vessel to
be numbered.

VI. Every licensed vessel or boat shall have a particular number which shall be endorsed on her licence, and shall not be changed on a renewal thereof; and no two vessels or boats shall have the same number, which number shall be painted in figures of not less than seven inches in height and three in width, in white on black or black on white, on each quarter, under a penalty on the master of one pound for each and every day during which the vessel shall be sailed as a licensed vessel, without having such number painted as aforesaid.

Size of flag, and
penalty for not
using it.

VII. The master of every licensed vessel or boat shall provide for such vessel or boat a distinguishing flag, of the size of not less than four feet in length and two feet in breadth, in which flag the number of the vessel or boat shall be distinctly marked on both sides in figures of one half the size of the flag, and which flag shall always be displayed at the head of the mast, or one of the masts, of such vessel or boat, while such vessel or boat is employed at any wreck, or in rendering assistance to any vessel in distress, as also on approaching any wreck or stranded vessel, or any vessel in distress, and on approaching and entering port, after having been at any such wreck, or employed in rendering assistance to any vessel in distress as aforesaid; and such flag shall also be kept displayed at all times while any wrecked property shall be and remain on board of such vessel or boat; and every master of any such licensed vessel or boat who shall neglect to provide himself with a proper flag as aforesaid, or who shall neglect to display such flag in manner as aforesaid, shall, for every such neglect or offence, forfeit and pay a penalty of not less than five shillings, nor more than five pounds.

Licences to be
exhibited to
justice of peace,
&c.

VIII. It shall be the duty of the master of every licensed vessel or boat, whenever thereto required by a justice of the peace, or by the wreck-master at any wreck, to produce and exhibit the licence of his vessel or boat, and his own licence and those of the crew, under the like penalty as is imposed by the 12th section of the Act to which this Act is an amendment.

Certificate of
competency must
be obtained to
enable any per-
son to act as
wreck-master.

IX. No person shall be qualified to act as a wreck master until he shall have been specially licensed for the purpose; and no such licence shall be granted to any person who has not obtained a certificate of competency from the Commissioners of Pilotage for the Island of New Providence, or from the Commissioners of Pilotage for the particular district in which the party usually resides; and the first licensed wreck-master boarding a vessel wrecked, stranded, or in distress, or if two or more licensed wreck-masters shall board any such vessel simultaneously, then one of them, to be selected by the master, shall act as wreck-master for such particular wreck or case of casualty; provided that in the absence of any licensed wreck-master, the master of the first licensed vessel of the tonnage provided for by the Act to which this Act is an amendment, boarding any vessel wrecked, stranded, or in distress, shall act as wreck-master until the arrival of a licensed wreck-master, and shall be entitled to receive a part of the wreck-master's fee, in proportion to the time during which he may have acted.

Fees for licence.

X. A fee of £2 shall be payable into the Public Treasury for each licence of a wreck-master, and such licences shall not require renewal, but shall continue in force until revoked or suspended, as hereinafter provided for; nor shall a licensed wreck-master be required to take out an ordinary licence.

XI. If any licensed wreck-master, after having entered on the duties of a wreck-master at any particular wreck, shall be obliged to quit, or shall, by any casualty, be disabled from continuing to act as wreck-master, then and in every such case the duties shall devolve on and be assumed by the licensed wreck-master who may have next boarded, and so on in rotation; or, in the absence of any licensed wreck-master, on the masters of licensed wrecking vessels generally, of the requisite tonnage, in the rotation as aforesaid.

Provision in case of any casualty to a wreck-master.

XII. It shall be the duty of the wreck-master, whenever thereto required by the master of any vessel wrecked, stranded, or otherwise in distress, to select from among the licensed vessels then present a commodious vessel to carry the passengers, officers and crew of the wrecked, stranded, or distressed vessel, with their personal baggage and effects, to the port of Nassau, or to such other port of entry within the colony, whence they can obtain a passage to their destination, as the master of the vessel may designate; and the master, owners, officers, and crew of the vessel so selected, shall be entitled to salvage according to the size of the vessel; such salvage to be a charge on the wrecked, stranded, or distressed vessel, her materials and cargo, and shall have priority over all other claims for salvage.

Regulation by which passengers, officers, and crew of wrecked vessels are to be conveyed to Nassau or elsewhere.

XIII. If any person shall be killed while working at a wreck, or while employed in rendering assistance to a vessel in distress, the widow, or if there be no widow, the next of kindred of the person so killed, if such next of kindred shall have been in any degree dependent on the person so killed for support, shall be entitled to receive compensation for the death of the person so killed, to any extent not exceeding £40; and if any person shall be seriously injured while working or being so employed as aforesaid, he shall also be entitled to receive compensation for the injuries sustained by him, to any extent not exceeding the sum of £40; and every claim for such compensation shall be a charge on the vessel and cargo, and may be recovered in a summary way before any justice of the peace, who is hereby authorised and empowered to enforce the same by levy and sale of any of the materials or appurtenances of the vessel or of the cargo, in the saving, or endeavouring to save which, any such casualty may have occurred.

Compensation to persons of the kindred in case of accident at wreck.

XIV. Within seven days after the rate and amount of any salvage is ascertained, and before the payment and distribution thereof, the wreck-master shall deposit in the office of the Receiver-General, if the salvage is settled at the port of Nassau, or if elsewhere, in the office of the Collector of Revenue of the district, a true, full, and correct list of the sharing; and any wreck-master neglecting to deposit such list within the time aforesaid, shall forfeit and pay a penalty of £5 for each and every day in which default shall be made herein; every such list shall contain the particulars and be in the form specified in the schedule to this Act annexed, and shall be open to public inspection at all reasonable hours, and no consignee shall be warranted to make payment of any salvage until he shall first have ascertained that such list has been deposited with the Receiver-General or Collector of Revenue, as the case may be.

Wreck-master to deposit a correct list of sharing.

XV. When unlicensed boats are employed, as provided for in the proviso to the first section of the Act to which this Act is an amendment, it shall not be lawful for the master of any such boat to allow more than five men from his boat, himself included, to go on board any vessel wrecked, stranded, or otherwise in distress, except specially required to do so by the master of the wrecked, stranded, or distressed vessel, or by the wreck-master, under a penalty not exceeding £5 for each offence.

Penalty for not so doing.

How unlicensed boats are to be employed.

XVI. It shall be lawful for the Governor in Council to revoke or suspend the licence of any wreck-master or other licensed wrecker, who

Licence may be suspended.

may be convicted of felony, or of any offence against this Act or the Act to which it is an amendment.

Jurisdiction of the police or other magistrates where it appears any criminal offence has been committed.

XVII. If in the course of any investigation held under the Act 28 Vic. c. 14, it shall appear to the police magistrate or other justice holding the same, that there is reasonable ground for believing that any criminal offence over which the courts of law of the colony, or the magistrate thereof, have jurisdiction, has been committed by any person or persons whomsoever, it shall be lawful for such police magistrate, or other justice, to deal with the person or persons on whom such suspicion rests, as aforesaid, in the same and the like manner as if such persons had been brought before him, as a justice of the peace, charged with such offence as aforesaid; and all subsequent proceedings for the investigation of the charge, and the trial of such person or persons, shall be had and conducted in the same and like manner as if a charge had been regularly made against such person or persons, in the ordinary form in which criminal charges are laid.

Justices of the peace to issue search warrants in certain cases.

XVIII. If any justice of the peace shall, from information had before him, or on his own view, have reasonable grounds for believing that any property belonging to, or which had been on board of any wrecked, stranded, or distressed vessel, had been embezzled, or not duly accounted for by the persons engaged in salvaging the same, it shall be lawful for such justice to issue one or more search-warrant or warrants to search any and every vessel, house, or other place in which it may be reasonably believed that any such property is secreted.

Abstract of wrecking laws to be prepared and sold.

XIX. An abstract of the provisions of the several Acts relating to wrecking shall be prepared and certified by the Colonial Secretary, a sufficient number of copies of which shall be printed and deposited for distribution with the Receiver-General and the collectors of revenue at the different Out-islands of the colony, and the owners and masters of licensed vessels shall be entitled to obtain as many copies thereof as they may desire, on paying sixpence for each copy.

A copy of the abstract of wrecking laws to be kept on board all licensed vessels.

XX. It shall be the duty of every master of a licensed vessel or boat to keep at least one copy of such abstract on board of his vessel or boat, and in the event of his being the first master to board a vessel wrecked, stranded, or in distress, it shall be his duty to deliver such abstract to the master of the wrecked vessel for his inspection and use; and every master of a licensed vessel or boat who shall neglect to keep a copy of such abstract on board of his vessel or boat, or having the same on board shall neglect to deliver the same as aforesaid, shall forfeit and pay a sum not exceeding five pounds.

Enforcement of wrecking laws.

XXI. It shall be the duty of the Receiver-General and other officers of the Revenue department to enforce the provisions of this Act, and all other Acts relating to wrecking.

Right of appeal.

XXII. That, in all cases of summary conviction under this Act, the party convicted shall have a right to appeal against such conviction to the General Court at Nassau, according to the provisions of an Act passed in the tenth year of Her Majesty's reign, entitled "An Act for the better regulating Appeals in cases of Summary Conviction."

Defendants in any action may plead the general issue.

XXIII. That if any action or suit shall at any time be commenced or prosecuted against any person or persons for any thing done in pursuance of this Act, the defendant or defendants in such suit or action may plead the general issue, and give this Act, and the special matter in evidence at the trial of such action or suit, and that the same was done in pursuance and by the authority of this Act.

Fines to be paid into the Public Treasury.

XXIV. All fines and penalties imposed by this Act shall be paid into the Public Treasury in aid of the general revenue of the colony, and the payment thereof shall be enforced as provided for by the 40th section of the Act to which this Act is an amendment.

XXV. The 11th, 14th, and 30th sections of the 21 Vic. c. 1, and so much of the 23rd section of the said Act as provides for the remuneration for loss of life or for injuries, shall be and the same are hereby repealed.

XXVI. This Act shall commence and take effect on the first day of July, 1866, and shall continue in force during the continuance of "The Licensed Vessels Act, 1858."

Certain sections of 21 Vic. c. 1, repealed.

Commencement and duration of this Act.

SCHEDULE.

SHARE LIST.

Amount and Distribution of Salvage in the case of the British [or otherwise, as the case may be] Ship [or otherwise], of the Port of [here insert Port to which Vessel belonged and the Name of the Master].

Salvage awarded [or agreed on, as the case may be].

On cargo	..	..	..	..	per centum	{ as the case may be
On materials	..	..	..	..	per centum	
Total amount of salvage	..	..	..	..	£
Wreck Master's fee	..	..	..	..	£
Total number of tonnage shares						
Settled	186 [here insert date].					

DISTRIBUTION.

Names of Vessels.	Names of Masters.	Number of Crew in all, including Master.	Number of Tonnage Shares.	Total Salvage for each Vessel.	Proportion to		Amount payable to		Value of Single Share.
					Vessel.	Crew, including Master.	Owners.	Crew, including Master.	
				£ s. d.			£ s. d.	£ s. d.	
A.	F. G.	18	18						
B.	H. I.	16	16						
C.	J. K.	12	12						
D.	L. M.	11	11						
E.	N. O.	11	11						

[To be signed by Wreck Master.]

No. 4.

37 Vic. c. 9. *An Act further to amend "The Licensed Vessels Act, 1858."* (Assented to 25th April, 1874.)

I. That from and after the passing of this Act, the seventh section of the Act of Assembly, 21 Victoria, chapter 1, "The Licensed Vessels Act, 1858," imposing a tax on each licence issued under the authority of the said Act, shall be and the same is hereby repealed, and all licences hereafter issued under the said Act shall be so issued without the payment of any fee whatever.*

"Repeals part of Licensed Vessels Act."

No. 5.

41 Vic. c. 6. *An Act to amend the Act 28 Vic. c. 14, to amend "The Licensed Vessels Act, 1858."* (Assented to 14th March, 1878.)

PREAMBLE.

WHEREAS under the provisions of the Act to amend "The Licensed Vessels' Act, 1858," the magistrate or justice, upon the conclusion of an investigation held under the authority of the Act, is directed to send a report to the Governor containing a full statement of the case, and of his opinion thereon, with the evidence taken and such observations as he may think fit. AND WHEREAS it has been found necessary, in order that the inquiry contemplated by the said Act should be effective, that His Excellency the Governor should be invested with power to order a new or further inquiry in any case in which it may appear that such inquiry has not elicited all or the real facts attending the wreck or other marine casualty; May it therefore please the Queen's most Excellent Majesty, that it may be enacted, and be it enacted by His Excellency William Robinson, Esquire, Companion of the most distinguished Order of Saint Michael and St. George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said islands, and it is hereby enacted and ordained by the authority of the same as follows:—

Inquiry, which has not been effective, may be again held.

I. Whenever it shall appear to the Governor that any inquiry held under the principal Act has for any cause whatever not been effective, or has not elicited the facts of the case, it shall be lawful for the Governor to direct that a further or new inquiry shall be held before the same magistrate or justice, or before any other magistrate or justice, to be named in such order, and thereupon it shall be the duty of such magistrate or justice to proceed forthwith to hold a new or further inquiry as may be directed.

New inquiries to be conducted under principal Act.

II. Every new or further inquiry to be held under the authority of this Act shall be in all respects subject to the provisions of the principal Act in the same and the like manner as if the same were an inquiry held under that Act.

CLASS VIII.

BAHAMA MERCHANT VESSELS AND SEAMEN.

No. 1.

2 Vic. c. 3. *An Act to regulate the relative duties of Masters of Ships or Vessels employed in the Merchant Service of the Bahamas, and of Seamen so employed, and for other purposes.* (July 28th, 1838.)*

Captains to enter into an agreement with their crew

I. That it shall not be lawful for the master of any ship or vessel belonging to or owned within these islands, and trading to any port or ports without the limits of the Government, to carry to sea, in any nautical capacity whatsoever, any person or persons whomsoever, without first entering into an agreement in writing with every such person, specifying what monthly or other wages each and every such person is

* Amended by 48 Vic. c. 8.

to be paid, the capacity in which he is to act, and the nature of the voyage in which the ship or vessel is to be employed (in so far as regards her port or ports of destination) and the day of the month and year in which such agreement shall be made; and the same shall be signed by the master in the first place, and by the seamen respectively, at the port or place where such seamen shall be respectively shipped; and the master shall cause the same to be signed by or in the presence of the party who is to attest their respective signatures thereto, truly and distinctly read over to every such seaman, in order that he may be enabled to understand the purport and meaning of the engagement he enters into and the terms to which he is bound.

II. That the master of any ship or vessel who may ship or engage any person to be employed on board of such ship or vessel within the waters of this Government, in wrecking or droghing, shall be likewise bound to enter into an agreement in writing with every such person, in manner and form aforesaid, save and except that in lieu of monthly or other wages to be paid to such person the said agreement shall state the proportion or share of each individual signing such agreement in any emoluments or profits which may arise or accrue upon such wrecking or droghing voyage; and instead of the port or ports of destination, the term or intended duration of the wrecking or droghing voyage of such vessel shall be inserted.

III. That in case of a ship or vessel bound to any port or ports without this Government, every such agreement shall be in the form, and shall contain true entries under their respective heads, of the several particulars set forth in the Schedule to this Act annexed, marked A; and that the owner and master of every such vessel as aforesaid or one of them, shall, on reporting such ship or vessel on her arrival at or return to any port of these islands at which the voyage shall terminate, deposit or cause to be deposited with the collector and comptroller of the Customs at such port, or when there shall be no collector or comptroller with the preventive officer for such port, a true copy of such agreement, attested by the signature of the master, to the intent that every person who may be interested in such agreement may at all times have the means of knowing the terms and conditions thereof; and that in cases where any ship or vessel shall be employed in wrecking or droghing within the waters of this Government, the agreement to be entered into as aforesaid shall be in the form and contain true entries under their respective heads, of the particulars set forth in the Schedule to this Act annexed, marked B; and that the owner or one of the owners, or master of such ship or vessel shall, at the end of such voyage, deposit with the collector or comptroller or preventive officer (as the case may be) of the port at which her voyage may terminate, a true copy of such agreement, attested by the signature of such owner or master; and all copies of agreements so required by this Act, to be deposited as aforesaid, shall, when the same shall have been deposited and shall be required to be produced as evidence, be received and taken as legal proof of the contents of the agreement.

IV. That if the master of any ship or vessel, whether employed without or within the limits of the Government, shall carry out to sea any person engaged to act on board thereof in any nautical capacity, without having first entered into such agreement as is hereby required, he shall, for every such offence, forfeit and pay the sum of two pounds of lawful money of these islands: And if any such master shall neglect or refuse to cause the agreement to be distinctly read over to every such person, as by this Act is enjoined, he shall, for every such offence or neglect, forfeit and pay the sum of ten shillings: And if any master or owner (as the case may be) shall neglect to deposit with the collector, comptroller, or preventive officer of the Customs (as the case may be) a

Captains of droghers to enter into agreement with their crew.

Regulation of form of agreement.

Agreement to be lodged at the Custom House.

Penalty for not making formal agreement with crew.

Penalty for re-
fusing, &c., to do
duty after having
signed agree-
ment.

copy of the agreement hereby required to be made and deposited as aforesaid, or shall wilfully deposit a falsified copy of such agreement, he shall for every such offence, forfeit and pay the sum of twenty pounds.

V. That in case a seaman shall at any time after having signed an agreement as hereinbefore mentioned, refuse or neglect to join the ship or vessel on board of which he shall have engaged to serve, or shall refuse to proceed to sea in her, or shall absent himself therefrom without leave, it shall be lawful for any justice of the peace of these islands, or of the port or islands to which such vessel may belong, or at which the said vessel may be then lying, and such justice, upon complaint of the fact, made upon oath of the master, mate, or owner thereof, is hereby required by his warrant to cause such seaman to be apprehended and brought before him, and in case such offender shall not give a reason to the satisfaction of such justice for his neglect, refusal, or absence (as the case may be) upon due proof of such neglect, refusal, or absence, it shall be lawful for such justice to commit such offender to the house of correction, there to be kept at hard labour for a period not exceeding thirty days.* Provided always, that in case such seaman on being apprehended and brought before such justice, shall consent to join the ship or vessel and proceed on the voyage for which he shall have agreed, it shall be lawful for the said justice, at the request of the master, instead of committing such seaman, to cause him to be conveyed on board of the said ship or vessel, or to be delivered to the master for the purpose of proceeding on the voyage, and also to award to the master such costs incurred in the apprehension of such seaman, and as to such justice shall seem reasonable, not exceeding in any case the sum of twenty shillings, which shall be chargeable against and may be abated from the wages or other emoluments to grow due to such seaman.

VI. Repealed by 21 Vic. c. 2.

Amount of
forfeiture
regulated.

VII. That in all cases where the seaman shall have contracted to serve for a portion or share of the profits or emoluments of the vessel during the voyage, the amount of forfeitures to be incurred by seamen under this Act shall be ascertained in manner following, that is to say, the forfeiture of the moiety aforesaid, or one month's pay expressed in this Act, shall be accounted and taken to be such a portion of the whole amount earned by him under his contract as shall be equivalent to the earnings of one month, as compared with the whole period of the duration of the voyage and the amount earned and due to him; and in like manner a forfeiture of two days' pay or less shall be accounted and taken to be a forfeiture of a sum bearing the same proportion to the whole amount earned during the voyage, as the same period of time shall bear to the whole time spent in the voyage.

VIII. Repealed by 21 Vic. c. 1.

IX. Repealed by 21 Vic. c. 2.

Punishment for
harbouring
deserters.

X. That if any person shall, either on ship-board or on shore, secrete or harbour a seaman who shall have signed an agreement to proceed on any voyage, whether within the limits of this Government or beyond the same, and shall have deserted or absented himself without leave from his vessel, knowing or having reason to believe him to be a deserter, or to be absent without leave, every person so offending shall, for every such seaman so harboured or secreted, forfeit and pay the sum of four pounds.

Liability for
debts of seamen
regulated.

XI. That no debt exceeding sixteen shillings lawful money of these islands, incurred by any seaman, after he shall have signed an agreement as aforesaid, shall be recoverable until the voyage agreed for shall have been concluded; nor shall it be lawful for any keeper of a public-house or of a lodging house for seamen, to withhold from him or detain any

* So much of this section as limits the imprisonment therein mentioned to thirty days is repealed by sixth section of 21 Vic. c. 2.

chest, bed, bedding, clothes, tools, or other effects of any seaman for any pretended debt alleged to have been contracted by any such seaman: and in case any such chest, bed, bedding, clothes, tools, or other effects aforesaid, shall be withheld or detained contrary to this Act, it shall be lawful for any justice of the peace, upon any complaint made upon oath by such seaman, or on his behalf, to inquire into such matter, and if he shall see right, by warrant under his hand and seal to cause any such property or effects so withheld or detained contrary to this Act, to be seized and delivered over to such seaman.

XII. That if after a seaman shall have been discharged from any ship or vessel three days he shall be desirous of proceeding to sea on another voyage, and in order thereto shall require immediate payment of the wages due to him, it shall be lawful for any justice of the peace of these islands, on application from such seaman, and on satisfactory proof that he would be prevented from obtaining employment by delay, to summon the master or owner before him, and require cause to be shown why immediate payment of such wages should not be made, and if it shall appear to the satisfaction of such justice, that there is no reasonable cause for delay, he shall order payment forthwith to be made, and in default of compliance, such master or owner shall forfeit and pay the sum of ten pounds.

Seamen may procure immediate payment of wages.

XIII. And to prevent delay and expense to seamen in the recovery of their wages; Be it, &c., That in all cases of wages, not exceeding twenty pounds of lawful money of these islands, which shall be due and payable to a seaman for his service in any ship or vessel as aforesaid, it shall be lawful for any justice of the peace of these islands, residing near the place where the ship or vessel shall have ended her voyage, or near to the place where the master or owner, upon whom respectively the claim is made, shall be or reside, upon complaint or oath to be made to such justice by any such seaman, or on his behalf, to summon such master or owner to appear before him to answer such complaint; and, upon the appearance of such master or owner, or in default thereof, on due proof of his having been so summoned, such justice is hereby empowered to examine, upon the oath of the parties and their respective witnesses (if there be any), touching the complaint, and the amount of wages due, and to make such order for payment thereof as shall to such justice appear reasonable and just; and in case such order shall not be obeyed within two days next after the making thereof, it shall be lawful for such justice to issue his warrant to levy the amount of wages awarded to be due, by distress and sale of the goods and chattels of the party on whom such order for payment shall be made, rendering to such party the overplus (if any shall remain of the produce of the sale), after deducting thereout all the charges and expenses incurred by the seaman in the making and hearing of the complaint, as well as those incurred by the distress and levy, and in the enforcement of the justice's order; and in case sufficient distress cannot be found, it shall be lawful for the said justice to cause the amount of the said wages and expenses to be levied on the ship or vessel, in respect of the service on board of which the wages are claimed, or the tackle and apparel thereof; and if such ship or vessel shall not be within the jurisdiction of such justice, then he is hereby empowered to cause the party upon whom the order for payment shall be made, to be apprehended and committed to prison, there to remain without bail until payment shall be made of the amount of the wages so awarded, and of all costs and expenses attending the recovery thereof, and the award and decision of such justice as aforesaid shall be final and conclusive, as well on every such seaman as on owner and master of the ship.

How seamen are to proceed to prevent delay in recovery of wages.

XIV. AND WHEREAS, by an Act, &c. (4 Wm. 4, c. 6), a summary jurisdiction is provided for the punishment of persons guilty of common

Assaults committed on ship-board punishable

in a summary
manner.

assaults and batteries : AND WHEREAS, it is expedient that the provisions of the said Act should be extended to similar offences committed on board of the vessels of these islands, as hereinafter provided ; Be it, &c., That in case of any assault or battery which shall, after the commencement of this Act, be committed on board of any ship or vessel belonging to any inhabitant of these islands, in any place at sea, within or beyond the limits of this Government, it shall be lawful for any two justices of the peace, upon complaint of the party aggrieved, to hear and determine any such complaint, and to proceed and make such adjudication thereon as by the said Act any two justices are empowered to do ; subject, however, to such provisoes and limitations as are contained in the said Act with respect to the cases of assault and battery therein mentioned, and the fine or forfeiture to be imposed in any such case shall be paid to the Receiver-General and Treasurer in aid of the expenses of this Government.

Suits instituted
in any Court of
Record, where
justices might
have settled the
same, no costs
shall be awarded
plaintiff.

XV. That if any suit shall be instituted by any seaman in the Court of Vice-Admiralty, or in any other Court of Record within these islands, against the master or owner of any ship or vessel, and it shall appear to the judge of any such Court, in the course of such suit, that the plaintiff might have had as effectual a remedy by complaint to one or more justice or justices of the peace, as hereinbefore provided, then, and in every such case, it shall be lawful for such judge, and he is hereby required to certify to that effect, and thereupon no costs of suit shall be awarded to the plaintiff.

Who deemed
master and who
seamen.

XVI. And to avoid doubts in the construction of this Act ; Be it, &c., That every person having the charge or command of any ship or vessel belonging to any inhabitant of these islands, shall, within the meaning and for the purposes of this Act, be deemed and taken to be the master of such ship or vessel, and that every person who shall be employed or engaged to serve in any capacity on board the same, shall in like manner be deemed and taken to be a seaman within the meaning and for the purposes of this Act.

Recovery of
fines.

XVII. That all penalties and forfeitures imposed by this Act, exceeding the sum of three pounds, for the recovery whereof no specific mode is hereinbefore provided, shall and may be recovered, with costs of suit, in any Court of Record having competent jurisdiction, and all penalties and forfeitures of and under three pounds, lawful money of these islands, shall and may be recovered, with costs of suit, before any one of Her Majesty's justices of the peace, before whom any party having incurred the same may have been convicted, one moiety whereof shall be paid to any person prosecuting for the same, and the remainder shall be employed in aid of your Majesty's Government of these islands.

SCHEDULE A [TO WHICH THIS ACT REFERS.]

An agreement made pursuant to the directions of an Act of Assembly, made and passed in the second year of the reign of Her Majesty Queen Victoria the First, between the master of the _____, of the port of _____, and the several persons whose names are subscribed hereto.

It is agreed by and on the part of the said persons, and they severally hereby engage to serve on board the said _____, in the several capacities against their respective names expressed, on a voyage from the port of _____ to [here the intended voyage is to be described as nearly as can be done] and back to the port of _____ ; and the said crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober manner, and to be at all times diligent in their respective duties and stations, and to be obedient to the lawful

commands of the master or other officer in everything relative to the said _____ and the materials, stores and cargo thereof, whether on board such _____ in boats or on shore [here may be inserted any other clauses which the parties may think proper to introduce : Provided the same be not contrary to or inconsistent with the provisions of this Act].

In consideration of which services, to be duly, honestly, carefully and faithfully performed, the said master doth hereby promise and agree to pay to the said crew, by way of compensation or wages, the amount against their names respectively expressed. In witness whereof, the said parties have hereunto subscribed their names on the days against their respective signatures mentioned.

Place and Time of Entry.			Men's Names.	Capacity or Quality.	Amount of wages per Calendar Month.	Witness to Signature.
Days.	Month.	Year.				

SCHEDULE B [TO WHICH THIS ACT REFERS.]

An agreement made pursuant to the directions of an Act of Assembly made and passed in the second year of the reign of Her Majesty Queen Victoria the First; between _____ the master of the _____ of the port of _____ and the several persons whose names are subscribed hereto.

It is agreed by and on the part of the said persons, and they severally hereby engage to serve on board the said _____ in the several capacities against their respective names expressed, which _____ is to be employed on a wrecking [or droghing voyage, as the case may be] voyage for the space of _____, and the said crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober manner, and to be at all times diligent in their respective duties and stations, and to be obedient to the lawful commands of the master or other officer in everything relating to the said _____ and the materials, stores and cargo thereof, whether on board such _____ in boats or on shore.

In consideration of which services, to be duly, honestly and faithfully performed, the said master doth hereby promise to pay to the said crew such proportion or share of the profits of the voyage, as is against their names respectively expressed : Provided always, that no seaman shall claim [a discharge, or to be permitted to return to port, before the expiration of the time agreed upon as the duration of the voyage. In

witness whereof, the said parties have hereunto subscribed their names, on the days against their respective signatures mentioned.

Place and Time of Entry.			Men's Names.	Capacity or Quality.	No. of Shares.	Witness to Signature.	Intended length or duration of Voyage.
Days.	Month.	Year.					

No. 2.

21 Vic. c. 2. *An Act to amend an Act entitled "An Act to regulate the relative duties of Masters of Ships or Vessels employed in the Merchant Service of the Bahamas, and of Seamen so employed, and for other purposes."* (April 20th, 1858.)

In Act of 2 Vic. c. 3, whenever the words "Collector" or "Comptroller" are used, the same to mean Receiver-General, and the words "Preventive Officer" to mean "Collector of Revenue."

Seamen committing offences enumerated are liable to be punished summarily in the manner specified.

I. That wherever the words "Collector and Controller of the Customs," or "Collector" or "Comptroller," are made use of in such Act, such words shall be held and construed to mean and refer to the Receiver-General and Treasurer of these islands, and whenever the words "Preventive Officer" are used in such Act, such words shall be held and construed to mean and refer to the office of "Collector of Revenue."

II. That whenever any seaman who has been lawfully engaged under the provisions of the Act to which this Act is an amendment, or any apprentice to the sea service, commits any of the following offences, he shall be liable to be punished summarily, as follows (that is to say) :—

- (1.) For desertion, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also to forfeit, in the discretion of the convicting justice, all or any part of the wages, profits or emoluments which he has then earned.
- (2.) For neglecting, or refusing without reasonable cause to join his vessel, or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason, from his vessel or from his duty, not amounting to desertion, or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also at the discretion of the convicting justice, to forfeit out of his wages, profits, or emoluments, a sum not exceeding the amount of two days' pay, profits or emoluments, and in addition, for every twenty-four hours of absence, either a sum not exceeding six days' pay, profits or emoluments, or any expenses which have been properly incurred in hiring or otherwise procuring a substitute.

- (3.) For quitting the vessel without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit a sum not exceeding one months' pay, profits or emoluments.
- (4.) For wilful disobedience to any lawful commands, he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also at the discretion of the convicting justice, to forfeit a sum not exceeding five days' pay, profits, or emoluments.
- (5.) For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also at the discretion of the convicting justice, to forfeit for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding six days' pay, profits or emoluments, or any expenses which have been properly incurred in hiring or otherwise procuring a substitute.
- (6.) For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour.
- (7.) For combining with any other or others of the crew, to disobey any lawful commands, or to neglect duty, or to impede the navigation of the vessel or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour.
- (8.) For wilfully damaging the vessel, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit a sum equal in amount to the loss thereby sustained, and also at the discretion of the convicting justice, to imprisonment for any period not exceeding twelve weeks, with or without hard labour.
- (9.) For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or a proportionate part of his wages, profits, or emoluments, may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

III. Whenever, either at the time fixed for the commencement, or during the progress of any voyage, any seaman or apprentice neglects or refuses to join, or deserts from, or refuses to proceed to sea in any vessel in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner or consignee, may in any place in this colony, with or without the assistance of the local police officers or constables, who are hereby directed to give the same if required, apprehend him without first procuring a warrant, and may thereupon in any case, and shall, in case he so requires, and it is practicable, convey him before a justice of the peace capable of taking cognizance of the matter to be dealt with according to law and may, for the purpose of conveying him before such justice, detain him in custody for a period not exceeding twenty-four hours, or such shorter time as may be necessary, or may, if he does not so require, or if there is no such justice at or near the place, at once convey him on board; and if any such apprehension appears to the justice before whom the case is brought to have been made on improper or on insufficient grounds, the master, mate, owner or consignee who made the same, or causes the same to be made, shall incur a penalty not exceed-

Penalty on any seaman or apprentice neglecting or refusing to join his vessel, or deserting from or refusing to proceed to sea in any vessel in which he is duly engaged to serve.

Power of justice to order deserting seamen on board his vessel at request of master before term of imprisonment has expired.

Discretion vested in Court in respect to punishment of deserting seamen.

Sixth and ninth sections and part of fifth section of amended Act repealed.

Forfeitures, how ascertained and recovered.

ing twenty pounds, but such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

IV. Whenever any seaman or apprentice is brought before any justice on the ground of his having neglected or refused to join or to proceed to sea in any vessel in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such Court may, if the master, or the owner or his agent so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the vessel, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner, by reason of the offence, to be paid by the offender, and, if necessary, to be deducted from any wages or other remuneration which he has then earned, or which, by virtue of his then existing engagement, he may afterwards earn.

V. If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join, or to proceed to sea in any vessel in which he has engaged to serve, or having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment, and before his engagement is at an end, his services are required on board his vessel, any justice may, at the request of the master, or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said vessel for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the vessel, or to the owner, or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

VI. That the sixth and ninth sections of the before-recited Act of the second year of Her Majesty's reign, and so much of the fifth section as limits the punishment for desertion to thirty days' imprisonment, shall be and the same are and is hereby repealed.

VII. That in all cases where a seaman has contracted to serve for a portion or share of the profits or emoluments of the vessel, the amount of forfeitures under this Act shall be ascertained in manner provided for by the seventh section of the Act to which this Act is an amendment, and all fines, penalties and forfeitures by this Act imposed shall be recovered before any one of Her Majesty's justices of the peace for these islands, or for any district thereof, who are hereby severally authorised and empowered to issue all necessary warrants for the arrest of seamen, as is provided for in the Act to which this Act is an amendment.

No. 3.

21 Vic. c. 14. *An Act for establishing Fees for the Admeasurement and Registry of Vessels.* (April 20th, 1858.)

Fees authorised for the admeasurement and registry of any vessel.

I. That from and after the passing of this Act the following fees and no other may be demanded from the person or persons at whose instance the admeasurement and registry of any vessel may have taken place by the duly authorised officer or officers, as the case may be, in the manner and form, and agreeably to the rules and requirements prescribed by the Imperial Act of seventeenth and eighteenth Victoria, chapter one hundred and four, known as "The Merchant Shipping Act, 1854," to wit :

FOR REGISTRAR OF SHIPPING.

	£	s.	d.	
1. For registering a ship, and granting a certificate of registry	0	5	0	For Registrar of Shipping.
2. For each form of bill of sale, or mortgage issued.. ..	0	1	0	
3. For each form of declaration issued	0	0	6	
4. For indorsing the names of owners upon certificates of registry on change of owners	0	2	0	
5. For ditto on change of master	0	2	0	
6. For each entry in the registry book relating to transfer by bill of sale	0	1	0	
7. For ditto relating to mortgage	0	2	0	
8. For transmitting particulars on application to transfer registry to another port	0	2	6	
9. For granting a certificate of mortgage on sale	0	5	0	
10. For sales on mortgages made before registrar, under certificate of sale or mortgage	0	2	6	
11. For each certified copy of documents under the one hundred and seventeenth section	0	1	0	
12. For inspection of the registry book	0	1	0	

FOR MEASURING SURVEYOR.

13. Measurement of tonnage for each measured transverse section	0	7	6	For measuring surveyor.
14. Certificate of survey of identity when measurement of tonnage is not required	0	10	0	

No. 4.

33 Vic. c. 15. *An Act relating to Distressed Seamen belonging to the Bahama Islands, and Shipwrecked abroad.* (Assented to 8th April, 1870.)

I. If any seaman belonging to the Bahama Islands, and being a subject of Her Majesty, should be in distress in any place abroad by reason of having been shipwrecked while serving in a vessel registered at any port within these islands, and any expense be incurred by the Board of Trade in England in affording relief to such seamen, it shall be lawful for the Governor in Council, and he is hereby authorised on the requisition of the said Board of Trade, to issue his warrant upon the Public Treasury for the repayment of any fair and reasonable sum which may have been advanced towards such relief by the said Board of Trade, and the Receiver-General and Treasurer is hereby directed to pay such sum to the party authorised to receive the same.

II. Should the said advance be made by any British Consul, shipping master, or officer specially appointed to discharge the duties in connection with the relief of British seamen, in any adjacent British colony, or in a neighbouring foreign country, then such advance may be repaid on the requisition of such officer in the manner aforesaid.

Board of Trade to be repaid any reasonable sum incurred for the relief of shipwrecked Bahama seamen.

Other persons who are to be refunded advances made to distressed seamen.

No. 5.

36 Vic. c. 1. *An Act to amend the Act 2 Victoria, chapter 3, for regulating the relative duties of Masters of Vessels employed in the Merchant Service of the Bahamas, and of Seamen so employed.* (Assented to 29th January, 1873.)

Rules to be observed with respect to the engagement of seamen.

I. The following rules shall be observed with respect to agreements entered into under the first section of the Act to which this Act is an amendment, that is to say :—

- 1st. Every such agreement shall be signed by each seaman in the presence of an officer of the Revenue Department at the port where the shipment may take place.
- 2nd. Such revenue officer shall cause the agreement to be read over, and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.
- 3rd. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the revenue officer at the port at which the shipment of crew shall take place, and the other part shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.
- 4th. In the case of substitutes engaged in the place of seamen who have duly signed the agreement, and whose services are lost within twenty-four hours of the ship's putting to sea, by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before some revenue officer; and whenever such last-mentioned engagement cannot be so made, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the seamen, and the seamen shall thereupon sign the same in the presence of a witness, who shall attest their signatures.

Penalty.

And every master who shall ship a crew otherwise than is herein provided for, shall forfeit and pay a penalty not exceeding twenty pounds.

How masters of vessels are to engage seamen in any British possession.

II. Every master of a vessel registered as belonging to the Bahamas, who engages any seamen in any British possession other than the Bahama Islands, shall, if there is at the place where such seaman is engaged any official shipping master or other officer duly appointed for the purpose of shipping seamen, engage such seamen before such shipping master; and if there is no such shipping master or officer, then before some officer of Customs, and the attestation of such officer indorsed on the agreement, that the engagement has been made and signed in his presence, shall be received as proof of the requirements of this section having been complied with; but if no such attestation is indorsed as aforesaid, the burden of proving that the seaman was duly engaged as hereby required, shall lie upon the master. And every master who shall ship a seaman in any British possession, as aforesaid, otherwise than is herein provided for, shall forfeit and pay a penalty not exceeding five pounds.

Penalty

How masters of vessels are to engage seamen out of Her Majesty's dominions.

III. Every master of a vessel registered as belonging to the Bahamas, who engages any seaman at any place out of Her Majesty's dominions in which there is a British Consular officer, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage such seaman before such officer; and the attestation of such officer

indorsed on the agreement, that the engagement has been made and signed in his presence, shall be received as proof of the requirements of this section having been complied with; but if no such attestation be indorsed as aforesaid, the burden of proving that the seaman was duly engaged as hereby required, shall lie upon the master. And every master who shall ship a seaman in any place out of Her Majesty's dominions as aforesaid, otherwise than is herein provided for, shall forfeit and pay a penalty not exceeding twenty pounds.

IV. Every master of a vessel registered as belonging to the Bahama Islands, which has been on a voyage without the limits of the Government of this colony, shall, within forty-eight hours after the arrival of such vessel at her final port of discharge in the colony, attend at the Revenue Office of the port with the crew of such vessel; and shall there produce to the chief revenue officer at such port, the articles of agreement under which the crew of such vessel were shipped, and shall truly answer all such questions as such officer may think fit to put to him in relation to his crew; and if any of such crew shall have died, or have been discharged during the voyage or otherwise left behind, he shall give a full and circumstantial account of the cause of death, or of the circumstances under which any such seaman has been discharged or left behind as aforesaid; and any master who shall neglect to observe the provisions of this section shall forfeit and pay a penalty not exceeding twenty pounds.

V. If the master or any other person belonging to any vessel registered as belonging to the Bahamas, wrongfully forces on shore, and leaves behind, or otherwise wilfully and wrongfully leaves behind in any place on shore or at sea, in or out of Her Majesty's dominions, any seaman or apprentice belonging to such ship before the completion of the voyage for which such person was engaged, or the return of the ship to the colony, he shall for each such offence be deemed guilty of a misdemeanor, and may be tried therefor in any superior Court of the colony, having for the time being criminal jurisdiction within the same.

VI. That this Act shall not be construed to apply to any vessels engaged in sponging, wrecking, or fishing without the limits of the colony.

VII. That this Act shall come into operation on the first of May now next ensuing.

Penalty.

Masters of vessels to report arrival, produce articles of agreement, and answer questions.

Penalty.

Misdemeanor wrongfully to leave any seaman at sea or on shore.

Exemptions of certain vessels.

Commencement of Act.

No. 6.

43 Vic. c. 20. *An Act to provide for the relief and repatriation of Distressed Seamen belonging to the Bahama Islands and Shipwrecked in the United Kingdom.* (Assented to 2nd April, 1880.)

I. It shall be lawful for the Shipwrecked Mariners' Society to relieve and send home to this Government any distressed seaman belonging to the Bahama Islands, and being a subject of Her Majesty, who shall be in distress in the United Kingdom by reason of having been shipwrecked while serving in a vessel registered at any port within these islands. *Provided always*, that the said Society shall certify that such seaman cannot find means to provide for himself by working his passage back.

II. It shall be lawful for the Governor in Council, and he is hereby authorised, as often as may be necessary, to issue his warrant upon the Public Treasury for the repayment of all moneys which may have been disbursed by the said Society for the purposes and under the provisions of this Act; and the Receiver-General and Treasurer is hereby directed to pay such sum to the party authorised to receive the same.

Shipwrecked Mariners' Society may relieve and send home distressed seamen.

Proviso.

Payment.

No. 7.

48 Vic. c. 8. *An Act to amend the law relating to the employment of persons on board of Vessels engaged on Voyages within the waters of these Islands.* (Assented to 17th April, 1885.)

PREAMBLE.

WHEREAS by the Act of Assembly, 2 Victoria, chapter 3, provision is made for regulating the employment of persons on board of vessels engaged in wrecking and droghing voyages within the waters of this Government.

AND WHEREAS since the passing of the said Act a large number of persons have been employed on board of vessels within the waters of these islands in gathering sponges, and when shipped and engaged are so shipped and engaged on what is termed a sponging voyage.

AND WHEREAS the provisions of the said Act, 2 Victoria, chapter 3, do not embrace voyages of that description, and it is necessary and expedient that it should be amended to include the same; May it, &c.

Engagements for
"sponging" how
governed.

I. That any agreement hereafter entered into between the master of a vessel employed within the waters of this Government and any person to serve on board of any such vessel in any capacity whatever while such vessel is engaged in the gathering of sponges, shall be taken and held to be an agreement within the provisions of the Act of Assembly, 2 Victoria, chapter 3, and the statutes amending the same, in so far as the said statutes relate to the engagement of persons to serve on board of vessels employed within the waters of this government and the duties and liabilities of such persons.

Description of
voyage.

II. In framing any agreement according to the Schedule B annexed to the Act of Assembly, 2 Victoria, chapter 3, the word "sponging" may be inserted as the description of the voyage for which such agreement has been entered into.

No. 8.

49 Vic. c. 19. *An Act to regulate the mode of fitting out Vessels engaged in the Sponge and Turtle Fishery, the Sale of the Sponge and Turtle Shell gathered on such Voyages, and for other purposes.* (Assented to 26th May, 1886.)

PREAMBLE.

WHEREAS it is desirable and necessary that the rights and powers of the owners as well as the duties of the masters and seamen of vessels engaged in the sponge and turtle fishery of the Bahamas should be more clearly defined, and that provision should be made for the abolition of the present truck system, and for the payment and settlement of the wages or shares of the crews of these vessels in money only. May it, &c.

Masters to enter
into an agree-
ment with crews.

I. It shall not be lawful for the master of any vessel engaged in the sponge and turtle fishery of the Bahamas to carry on a sponging or turtling voyage, in any capacity whatsoever, any person or persons without first entering into an agreement in writing with every such person, specifying what monthly or other wages, or what proportion or share of the profits of such voyage, each and every such person is to be paid or be entitled to. *Provided* that this clause shall not apply to any vessel under five tons measurement.

Nature and dura-
tion of voyage.

II. All such agreements shall clearly specify the nature and duration of the voyage, and shall be signed by the master and seamen in the presence of some witness.

III. The place at which the sponge gathered and the turtle shell collected on the voyage is to be sold, and also the name of the person by whom such sale is to be effected, shall be entered on every such agreement before the same shall be signed by the seamen, and it shall be unlawful for any disposal of the said sponge or turtle shell to be made otherwise than in the manner agreed upon.

The sale of sponge and turtle-shell gathered on voyage regulated.

IV. It shall be the duty of every person witnessing such agreements to read out and clearly explain the same to every seaman, to enable him to understand the purport and meaning of the engagement he enters into, and the terms under which he is bound.

Duty of witness to agreement.

V. and VI. Repealed by 59 Vic. c. 21.

VII. Any master of a vessel engaged in the sponge and turtle fishery aforesaid, or any person, not authorised and empowered under the articles of agreement of the voyage to dispose of the sponge or turtle shell gathered and collected on the said voyage, who shall take possession of and sell the said sponge or turtle shell, or any part thereof, shall be deemed to have feloniously stolen the same from the person named in the articles of the voyage, as the party by whom such sale shall be effected, although such sponge or turtle shell was not received into the possession of the person so named, and any such master, or other person, so unlawfully disposing of the said sponge or turtle shell, may be convicted upon an information for larceny.

Any master or other person unlawfully disposing of sponge or turtle-shell may be convicted of larceny.

VIII. Whosoever shall purchase or receive sponge or turtle shell, knowing that the person disposing of the same, has no authority so to do, shall be deemed guilty of a felony, and may be prosecuted and convicted before any Justice of the Peace of the colony, upon an information for feloniously and unlawfully receiving stolen goods, knowing them to have been stolen; and upon being convicted thereof shall be liable to be imprisoned, with or without hard labour, for any term not exceeding six months.

Purchaser or receiver of sponge or turtle shell unlawfully disposed of guilty of felony.

IX. It shall be the duty of persons purchasing sponge or turtle shell to satisfy themselves by reference to the articles of agreement of the voyage, that the party selling the sponge or turtle shell has authority so to do, and the neglect by the purchaser so to refer to the said articles shall be deemed evidence of a purchase with a guilty knowledge: Provided, however, that this section shall not apply to cases where articles of agreement have not been entered into as provided for in the first section of this Act, nor to the sale of sponges or turtle shell by tender by any person regularly engaged in the business of buying and selling sponge upon the Sponge Exchange at Nassau, whether sold in such Exchange or otherwise.

Purchasers to satisfy themselves that the party selling has authority.

Proviso.

X. Payment for all sponge or turtle shell, sold within these islands, shall be made in money only, and any person making payment for the same in any other manner, shall be liable to a penalty of ten pounds.

Payments to be made in money only.

XI. Repealed by 55 Vic. c. 19.

XII. It shall be the duty of any owner or agent, whenever required so to do by any person or persons interested therein, to furnish to the said person or persons a full and complete copy of the account sales of any sponge or turtle shell sold by him, and a detailed statement showing the division or sharing of the net proceeds of the said sponge or turtle shell, and in case of neglect or refusal to comply with this requisition, the said owner or agent shall be liable to a penalty of ten pounds.

Owner or agent to furnish a copy of the account sales whenever required.

Penalty.

XIII. Repealed by 55 Vic. c. 19.

XIV. Whosoever, after signing articles agreeing to proceed on a sponging and turtling voyage in a particular vessel, shall sign other articles, and obtain advances from the owners, agents and outfitters of another vessel, shall be held guilty of obtaining such advances by fraud, and being convicted thereof before any Justice of the Peace of these

Obtaining advances by fraud.

islands, shall be liable to be imprisoned for any term not exceeding three months.

XV. Repealed by 59 Vic. c. 21.

Agreements shall be in the form set forth in the schedule to this Act.

XVI. All agreements entered into between the masters and seamen of vessels engaged in the sponge or turtle fishery of these islands, shall be in the form and shall contain true entries under their respective heads of the several particulars, set forth in the Schedule to this Act annexed marked "A," and the provisions of the Act 48 Vic. c. 8 shall extend and apply only to agreements entered into under and in accordance with this section, anything in the said Act to the contrary notwithstanding.

Penalties how recovered.

XVII. All penalties by this Act imposed shall be recovered in a summary way before any Justice of the Peace for the colony, and shall be levied, together with costs by distress and sale of the offender's goods and chattels, and if insufficient goods and chattels can be found whereon the same can be levied, then it shall and may be lawful for such Justice of the Peace to commit the offender or offenders to prison for any space not exceeding thirty days, and the amount of all monies recovered in virtue thereof, of any conviction and sentence under this Act, shall be divided, and one-half thereof paid into the Public Treasury in aid of the expenses of this Government, and the other half thereof shall be paid to the person or persons who shall give the information leading to the conviction.

When Act comes into force and duration.

XVIII. This Act shall come into operation on the first day of July, 1886, and shall continue in force for a period of three years, and from thence to the end of the then next session of Assembly.*

* Continued in force by 59 Vic. c. 21.

SCHEDULE A [To which this Act refers].

AN AGREEMENT made pursuant to the directions of an Act of Assembly made and passed in the forty-ninth year of the reign of Her Majesty Queen Victoria, between , of the port of , the Master of the , and the several persons whose names are subscribed here as seamen.

It is agreed by, and on the part of the said persons, and they severally hereby engage to serve on board the said , in the several capacities against their respective names expressed, which is to be employed on a sponging and turtling voyage for the space of ; and the said crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober manner, and to be at all times diligent in their respective duties and stations, and to be obedient to the lawful commands of the master, or other officer, in everything relating to the said , and the materials, stores, and cargo thereof, whether on board such , in boats, or on shore.

It is also agreed, by and between , the master, and the several persons whose names are subscribed hereto as seamen, that all sponge and turtle shell that may be gathered and collected on the voyage shall be brought to and sold at the Island of , and that the sale of the said sponge or turtle shell shall be made by .

In consideration of which services to be duly, honestly, and faithfully performed, the said master doth hereby promise to pay to the said crew such wages or such proportion or share of the profits of the voyage (as the case may be) as is against their names respectively expressed.

Provided always that no seaman shall claim a discharge, or be permitted to return to port, before the expiration of the time agreed upon as the duration of the voyage.

In witness whereof, the said parties have hereunto subscribed their names on the days against their respective signatures mentioned.

Place and Time of Signing.			Men's Names.	Capacity or Quality.	Amount of Wages or Number of Shares.	Names of persons authorised to sell Sponge or Turtle Shell.	Place at which Sale shall be made.	Amount of Advance.	Witness to Signature.	Intended Length or Duration of Voyage.
Place.	Day.	Month.	Year.							

On the day of personally came and appeared A. B., the Master of the , and C. D., the witness to the signatures of the seamen of the said , and declared before me that the above agreement was read and clearly explained to the said seamen before their signatures were affixed thereto.

Justice of the Peace.*

* "Or an officer of Revenue, as the case may be," added hereto by 59 Vic. c. 21.

No. 9.

55 Vic. c. 19. *An Act to amend the law relating to the Sponge and Turtle Fishery.* (Assented to 8th April, 1892.)

Repeal.

I. The 11th and 13th Sections of the Act of Assembly, 49 Victoria chapter 19 are hereby repealed.

Masters, mates, and seamen engaged in the sponge and turtle fishery must be paid in money.

II. Payment or Settlement of the wages or shares of the masters, mates, and seamen of vessels engaged in the sponge and turtle fishery of the Bahamas shall, upon the sale of the sponge or turtle shell gathered or collected on the voyage, be made in money only, and no advances, *whether of money, goods, or otherwise*, made by the owners, agents, or outfitters of vessels engaged in the said fishery to the masters, mates, and seamen of such vessels shall be recoverable at law, or deducted from the amount due to these parties on the completion of the voyage beyond the following amounts, that is to say:—

Amounts of advances recoverable by owners or agents.

From the master the sum of sixteen shillings.
From the mate the sum of twelve shillings.
From a seaman the sum of eight shillings.*

No. 10.

56 Vic. c. 4. *An Act to amend the Act of Assembly, 55 Victoria, chapter 19, passed in amendment of the law relating to the Sponge and Turtle Fishery.* (Assented to 7th June, 1893.)

Amends second section 55 Vic. c. 19.

I. Section II. of the Act of Assembly, 55 Victoria chapter 19, shall be read and construed as if the words “*whether of money, goods, or otherwise*” were inserted therein after the word “advances.”

No. 11.

59 Vic. c. 21. *An Act to continue in force the Acts relating to the Sponge and Turtle Fishery, with certain amendments.* (Assented to 30th April, 1896.)

I. This Act may be cited for all purposes as “The Sponge and Turtle Fishery Amendment Act, 1896.”

II. The Act 49 Victoria chapter 19, hereinafter called the principal Act, except as amended by any Act of Assembly, is hereby continued in force for the period of five years from the passing hereof, and from thence to the end of the then next Session of Assembly, with the amendments hereinafter contained.

III. It shall be the duty of masters of vessels about to proceed on sponging or turtling voyages for which articles have been signed under the principal Act, and also of the party witnessing such articles, to appear before a Justice of the Peace or an officer of revenue of higher rank than a tidewaiter, and make declaration that the said articles have been read and explained to the seamen signing such articles, and all persons

* The words in italics in this section added by 56 Vic. c. 4.

making a false declaration to the matters referred to in this section shall be liable on conviction to be punished in the same and the like manner as parties making false declarations are now punishable under the Act of Assembly, 29 Victoria, chapter 24.

IV. It shall not be lawful for the master as aforesaid or for any other person interested in any vessel employed in sponging or turtling under the provisions of the principal Act, to allow such vessel to proceed on its voyage with a greater number of men than that by this section prescribed, that is to say :—

Every vessel under seven tons shall carry not more than seven men.

Every vessel over seven and under ten tons not more than nine men.

Every vessel of ten and under fifteen tons not more than thirteen men.

Every vessel of fifteen and under twenty tons not more than fifteen men.

Every vessel of twenty and not over twenty-five tons not more than seventeen men.

And

Every vessel of twenty-five tons and over shall be allowed two men to every additional three tons over such twenty-five tons admeasurement.

And any master or other person who shall commit a breach of the provisions of this section shall be liable to a penalty of ten pounds, to be recovered and disposed of as directed by the seventeenth section of the principal Act. Penalty.

V. Where the master of any vessel has signed an agreement under the principal Act, and afterwards neglects or refuses to proceed on the voyage contemplated by such agreement, such neglect or refusal shall not terminate such agreement with respect to the seamen who have signed the same, and such seamen shall be bound in every respect by the agreement so entered into, and be subject to the laws regulating the same, notwithstanding another master may be engaged for such voyage, and it shall be lawful to engage another master for such voyage, and where such master has been so engaged, it shall also be lawful to insert his name in the said agreement in lieu of that of the original master, and for him to sign such agreement, and the said agreement so altered and signed shall be deemed to have been entered into under the principal Act by the master so engaged with the seamen who have signed the same. Neglect or refusal of masters of vessels to proceed on a voyage provided for.

VI. The Acts 55 Victoria, chapter 19, and 56 Victoria, chapter 4, are hereby continued in force with the principal Act, as hereby amended, for a period of five years from the passing hereof, and from thence to the end of the then next session of Assembly. Certain Acts continued in force.

VII. The 5th, 6th, and 15th sections of the principal Act are hereby repealed. Repeals.

VIII. After the words "Justice of the Peace" at the foot of the Schedule of the principal Act, there shall be added thereto and read therewith "or an officer of Revenue, as the case may be." Amends.

CLASS IX.

FOREIGN AND OTHER SEAMEN NOT BELONGING TO THE COLONY.

No. 1.

27 Vic. c. 2. *An Act for making provision for the Care of Seamen and other Persons arriving at the Port of Nassau, and there becoming sick and destitute, and for other purposes.* (Assented to 30th March, 1864.)

PREAMBLE.

WHEREAS a large number of seamen, firemen, and others belonging to or otherwise being on board of vessels arriving at the port of Nassau, are from time to time discharged from or otherwise leave such vessels at the said port and remain in the city of Nassau and its suburbs, when they frequently become, in consequence of illness or from other causes, not only chargeable on the colony, but are the means of spreading disease therein; And whereas it is expedient to make provision for the care of such persons in cases of illness, and for reimbursing the colony for the necessary expenses thereby incurred; May it, &c. :

Empowers certain persons to give an order for the conveyance of seamen, &c., &c., who may be ill of contagious or infectious disease to the quarantine station.

I. That whenever a seaman or other person who may have arrived at the port of Nassau as one of the crew, or otherwise employed on board of any vessel arriving at such port, from any port or place without the limits of the Government of the colony, and who shall have been discharged at such port, or has otherwise left the vessel on board of which he had been employed; or whenever any other transient person who is without any apparent means of support shall be taken ill of any disease, supposed to be contagious or infectious, or likely to become so, either while in a common lodging-house, or elsewhere within the city and suburbs of Nassau, it shall be lawful for any physician or surgeon practising in the said Island of New Providence, or for the registrar of shipping at the port of Nassau, or for the police magistrate for the Island of New Providence, or for such other person or persons who may be specially authorised by the Governor for the purpose, to give an order for the conveyance of such seaman or other person to the quarantine station at Athol Island, and for his admission into the hospital at that station; and upon the production of such order to the health officer, it shall be his duty to convey such seaman or other person to the said station, and his maintenance and attendance, whether medical or otherwise while there shall be defrayed out of the Public Treasury of the colony by warrant in the usual manner: Provided that the charge for medical attendance on any seaman or other person aforesaid shall in no case exceed the sum of five shillings per diem for every day in which the health officer or other medical attendant at the station shall have been in actual medical attendance on such seaman or other person.

Health officer's duty to convey such person.

Charge for medical attendance.

Duty of health officer to have persons supposed to have contagious or infectious disease, removed from vessels to quarantine station.

Expense of removal, &c., to be a charge on the vessel.

II. That when a seaman, fireman, or other person belonging as one of the crew to any vessel lying in the harbour of Nassau, or in either of the adjacent roadsteads or anchorages, shall be taken ill of any disease, supposed to be contagious or infectious, or likely to become so, whether he be at the time on shore or on board of the vessel to which he belongs, it shall be the duty of the health officer on becoming aware of the fact to have the party at once removed to the hospital at the quarantine station; and all expenses attending the conveyance of such person to the said station, and his maintenance and attendance, whether medical or otherwise, and all other expenses incurred on his account while at the said station, shall be a charge on the vessel to which he belongs, and

shall be paid at the rates and be recoverable in manner as is already provided for by law.

III. Repealed by 29 Vic. c. 13.

IV. Repealed by 29 Vic. c. 13.

V. That whenever a seaman or other person who may have arrived at the said port of Nassau, as one of the crew, or otherwise employed on board of any vessel arriving at such port from any port or place without the limits of the Government of the colony, and who shall have been discharged at such port, or has otherwise left the vessel on board of which he has been employed; or whenever any other transient person who is without any apparent means of support, shall be taken ill of any disease, not of an infectious or contagious character, nor likely to become such, it shall be lawful for the medical inspector to give an order for the conveyance of such seaman or other person to the New Providence Asylum. (This clause originally contained a provision authorising the payment of a fee of 2s. per diem to the physician of the Asylum for any person sent to the institution under the clause, but such provision was repealed in the same session by 27 Vic. c. 29.)

Medical inspector may give an order for conveyance of seamen to N. P. Asylum under certain circumstances.

No. 2.

28 Vic. c. 1. *An Act to prevent the Discharge of Seamen at the Ports of the Bahamas without due Provision being first made for their Maintenance.* (Assented to 24th February, 1869.)

I. No master of any vessel shall discharge any seaman or apprentice, not being a native or resident within these islands, at any port or place within the Bahama Islands, without first obtaining the permission of the chief revenue officer at the port at which such vessel shall be, under a penalty of £10 for each seaman or apprentice so discharged; to be recovered in a summary way before any justice of the peace.

Penalty for discharging a seaman without permission of chief revenue officer.

II. No such permission shall be given unless provision be first made either by the deposit of a sufficient sum of money, or by personal security, of one or more resident inhabitant or inhabitants of the colony, that the seaman or apprentice discharged shall not, within the next succeeding three months, become chargeable in any way on the public funds.

Permission not to be given without security.

III. The amount of deposit to be made, or security to be given, under the preceding section, shall be regulated by the Governor in Council.

Security regulated.

IV. It shall not be lawful for the master of any vessel, being in any port or place within the Bahama Islands, to permit or wilfully suffer any seaman or apprentice, not being a native or resident of these islands, to absent himself from such vessel for a longer period than twenty-four hours, or to quit such vessel with the intention of not rejoining her; and any master so offending shall be liable to a penalty of £10, to be recovered in a summary way before any justice of the peace.

Masters must not allow seamen to be absent from vessels for more than twenty-four hours under penalty of £10.

V. If, upon conviction of a master for any offence by this Act created, the penalty imposed therefor shall not be at once paid, it shall be lawful for the convicting justice to commit the offender to any lawful prison within the colony, there to remain for any period not exceeding three months, unless the penalty imposed be sooner paid.

Any master convicted may be sent to prison if penalty be not paid.

VI. That the term seaman, as used in this Act, shall be construed to include any person employed on board of a vessel in any capacity whatever under the rank of a mate or chief engineer.

Explanation of the word seaman.

No. 3.

28 Vic. c. 28. *An Act to enable the Masters of Foreign Merchant Vessels arriving within these Islands to obtain the Arrest of Seamen deserting from or refusing to return in such Vessels. (Assented to 3rd May, 1865.)*

Any foreign seaman who deserts or absents himself from his vessel without leave, or refuses to proceed on the voyage, may be committed to a common jail.

I. That in case any seaman or other person serving on board of any foreign merchant vessel, shall desert from such vessel at any port or place within these islands, or shall absent himself from such vessel without leave of the master or commander, or other chief officer having charge of such vessel, while such vessel shall be within or at any such port or place as aforesaid, or shall refuse to proceed on the said voyage for which he originally shipped on board of such vessel, it shall and may be lawful for any justice named in the general commission of the peace for these islands, within his jurisdiction, upon application to him made by the master or commander, owner or owners, consignee or consignees, or other person or persons having charge of the vessel to which such seaman or other person, as aforesaid, shall belong, to issue his warrant or warrants to apprehend and bring before him such seaman or other person, as aforesaid; and if it shall then appear to the satisfaction of such justice, that such seaman or other person, as aforesaid, did ship and enter on board such vessel in such manner and with the observance of such formalities as shall or may be required by the law, custom, or usage in that respect, of the nation to which such vessel shall belong, and that the voyage agreed for is not finished, or the contract of such seaman or other person, as aforesaid, otherwise dissolved, and that such seaman or other person, as aforesaid, has deserted from such vessel, or absented himself therefrom without leave, or refuses to proceed on such voyage, the said justice shall forthwith commit such seaman or other person, as aforesaid, to the common jail or house of correction, of the island or district to which such justice shall act, there to remain until such vessel shall be ready to proceed on her voyage (unless the master or other officer in charge of such vessel shall sooner require his discharge), and then to be delivered to such master or other officer, as aforesaid, such master or other officer paying all the costs of such apprehension and commitment, together with all expenses attending the maintenance of such seaman or other person, as aforesaid, while in confinement: Provided, however, that no such commitment shall be made until the master, or other person at whose instance any such seaman or other person, as aforesaid, may have been arrested, shall have entered into a recognizance before such justice, with one sufficient surety, in the sum of twenty-five pounds, with the condition that the vessel to which such seaman or other person, as aforesaid, belongs, shall not depart from the port or place at which the seaman or other person, as aforesaid, is intended to be committed to prison, without such seaman or other person, as aforesaid, being first liberated and all expenses attending his apprehension, detainer, commitment and maintenance while in prison, shall have been paid by the master of the vessel: and further, that such seaman or other person, as aforesaid, shall not be left behind when the vessel to which he belonged at the time of his arrival, departs from the colony.

Proviso.

When recognizances shall be enforced.

II. If any seaman, or other person serving on board of any foreign merchant vessel, shall be committed to any jail or house of correction within these islands, under the provisions of this Act, and such vessel shall sail from the port or place where such commitment took place, without the master or other officer having charge of such vessel liberating such seaman or other person, as aforesaid, it shall be the duty of the justice making such commitment, or any other justices having juris-

diction, upon the fact being made known to him, to grant an order for the immediate discharge of such seaman or other person, and the recognition taken by and before the said justice, shall be forthwith enforced.

CLASS X.

INTER-INSULAR COMMUNICATION.

No. 1.

62 *Vic. c. 8. An Act to consolidate the Laws relating to the communication between certain Out-islands of the Colony and the seat of Government.* (Assented to 20th April, 1899.)

I. This Act may be cited for all purposes as "The Inter-insular Mails Act, 1899." Title.

II. It shall be lawful for the Governor in Council from time to time to hire by tender after one notice in the Official Gazette one or more fast sailing vessels for any period not exceeding three years, on such terms or conditions as may be deemed most advantageous to the public service, to be employed in making periodical trips and carrying mails between Nassau and certain eastern islands of this colony, and touching at such intermediate islands on the route from and to Nassau and the said eastern islands as the Governor in Council shall fix and determine. Governor in Council authorized to employ vessel for mail service between Nassau and eastern islands of the colony.

III. It shall be lawful for the Governor in Council to hire by tender as aforesaid for any period not exceeding three years, one or more fast sailing vessels, to be employed in the conveyance of mails weekly or fortnightly between Nassau, Eleuthera, Harbour Island and Abaco, and thence back to Nassau, stopping, delivering, and receiving mails at the different places in the Schedule B. hereto annexed, and such other places in each service as may be fixed by the Governor in Council. Authority to Governor in Council to employ vessels for mail service between Nassau, Eleuthera, Harbour Island, and Abaco.

IV. It shall be lawful for the Governor in Council from time to time to make such orders and regulations for the performance of the services herein contemplated as may become necessary for the purpose of carrying this Act into execution. Governor in Council may make orders and regulations.

V. Such hired vessels may be permitted to take freight and passengers in their said trips on account solely of the proprietors thereof: Provided that freight shall only be permitted to be taken or discharged when the same can be accomplished without undue detention of the said vessels. And provided also that no higher rate of freight or passage money for persons or merchandise in any such hired vessels be charged than is set forth in the Schedules C. and D. to this Act annexed. Freight and passengers.

VI. The vessels to be employed under this Act shall be in the case of those engaged in the services between Nassau and the eastern islands of the colony, and between Nassau and Eleuthera of not less than 50 tons burthen, the vessel engaged in the service between Nassau and Harbour Island of not less than 20 tons burden, and the vessel engaged in the service between Nassau and Abaco of not less than 40 tons burthen. Burthen of vessels to be employed.

VII. It shall be the duty of the postmaster to continue to make up mails for transmission by the said vessels, as he has hitherto done, and it shall be the duty of the district postmasters at the different places to which this Act extends, to receive and deliver such mails, and to make up and forward return mails by the said vessels under such instructions as may from time to time be issued by the postmaster at Nassau, Duty of postmaster and district postmasters.

all of which mails shall be carried free of any extra charge for the carriage thereof.

Expenditure.

VIII. The expenditure under this Act shall not exceed the sums hereafter named, that is to say: For the service between Nassau and the eastern islands of the colony, £450 per annum; for that between Nassau and Abaco, £200 per annum; for that between Nassau and Eleuthera, £150 per annum; for that between Nassau and Harbour Island, £80 per annum.

Disposition of receipts for postage.

IX. The receipts for postage on all letters carried by the vessels employed under this Act shall be paid into the Public Treasury in aid of the general revenue.

Existing contracts to continue in force.

X. Nothing in this Act contained shall be construed to interfere with any contracts now in existence for the conveyance of mails to any of the Out-islands of the Government, which said contracts shall remain in existence for the time for which they have been entered into, and be subject in every respect to the provisions of this Act in the same manner as if they had been entered into thereunder.

Duration clause.

XI. This Act shall continue in force for ten years from the passing thereof, and from thence to the end of the then next session of Assembly.

Repeals.

XII. The Acts of Assembly set forth in the Schedule A. hereto annexed shall be and the same are hereby repealed to the extent mentioned in the third column thereof.

SCHEDULE A.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
51 Vic. c. 2. ...	The Inter-insular Mails Act, 1888 ...	The whole Act.
52 Vic. c. 13. ...	An Act to amend "The Inter-insular Mails Act, 1888."	The whole Act.
56 Vic. c. 11. ...	An Act further to amend "The Inter-insular Mails Act, 1888."	The whole Act.
57 Vic. c. 5. ...	An Act further to amend "The Inter-insular Mails Act, 1888."	The whole Act.
58 Vic. c. 15. ...	An Act further to amend "The Inter-insular Mails Act, 1888," and for other purposes.	The whole Act.
61 Vic. c. 17. ...	An Act further to amend "The Inter-insular Mails Act, 1888."	The whole Act.

SCHEDULE B.

STOPPING PLACES.

ELEUTHERA.

Gregory Town.
Governor's Harbour.
Savannah Sound.
Tarpum Bay.
Rock Sound.

HARBOUR ISLAND.

Spanish Wells.
Dunmore Town.

ABACO.

Cherokee Sound.
Hope Town.
Green Turtle Cay.
Marsh Harbour.

SCHEDULE C.

Freight from and to Nassau by vessels engaged in Mail Service between Nassau and eastern islands of Government:

	San Salvador, N. E., Long Island.	Rum Cay, Watling's Is- land, Great Harbour, Long Cay.	Inagua.
	£ s. d.	£ s. d.	£ s. d.
Half firkins and kegs, jugs, jars and demi-johns not exceeding three gallons; grain of all kinds, and peas in bags or baskets per bushel; and boxes, hampers, bales, and other packages of similar bulk to the foregoing	0 0 4	0 0 6	0 0 8
Half barrels and demijohns and other vessels not exceeding ten gallons; firkins and boxes, hampers and bales, and other packages of similar bulk	0 0 7	0 0 10	0 1 0
Barrels, quarter casks, and other vessels not exceeding thirty gallons; and boxes, hampers, bales, and other packages of similar bulk.	0 1 0	0 1 6	0 2 0
Tierces, hogsheads, and other vessels, not exceeding sixty gallons; and boxes, bales, and other packages of similar bulk	0 3 0	0 4 6	0 6 3
Potatoes, yams, and other roots in baskets or other packages, per 100 lbs.	0 0 8	0 0 10	0 1 0
Poultry in coops, per cubic feet	0 1 0	0 1 6	0 2 0
Madeira horseflesh, wood, yellow-wood, and other timber sold by measurement, per 100 feet	0 1 6	0 2 6	0 3 6
Lumber 1-inch to 3-inch boards, per 100 feet	0 1 6	0 2 6	0 3 6
Shingles, per 1,000	0 3 0	0 5 0	0 7 3
Lignum-vitæ per ton	0 6 3	0 8 4	0 12 6
Ebony fustic, logwood, boxwood, and other dyewood, except lignum-vitæ and brazil-letto, per ton	0 10 6	0 12 6	0 18 9
Brazil-letto wood, per ton	0 12 6	0 16 8	1 5 0
Horses, mares, mules, and cattle, each	0 14 7	1 0 10	1 9 2
Colts and yearlings, each	0 10 5	0 14 7	1 0 10
Calves and sheep, hogs, and goats, each	0 2 1	0 3 1½	0 4 2
Lambs, kids, and pigs, each	0 1 6	0 2 0	0 3 0
Boats per foot of length of keel	0 1 6	0 2 0	0 3 0
Pumpkins, melons, and sugar canes, per dozen	0 0 6	0 0 9	0 1 0
All articles and packages not enumerated as nearly as possible according to any enumerated article or package of similar bulk or weight.			
Specie	¼ per cent.	½ per cent.	½ per cent.
Punchons and other casks exceeding sixty gallons, and boxes, bales, and other packages of similar bulk	0 6 0	0 8 0	0 12 0

PASSAGE MONEY.

	Cabin.	Elsewhere.
	£ s. d.	£ s. d.
From Nassau to North End, Long Island, and all intermediate places	0 12 0	0 4 2
From Nassau to Long Cay; Crooked Island and intermediate places beyond North End of Long Island, Inagua, and Mayaguana	1 0 0	0 8 4
From Inagua to Long Cay	0 10 0	0 4 2
" " to North End Long Island	0 12 6	0 4 2
" " to Nassau	1 0 0	0 8 4

Passengers luggage limited to a small bed each, and one trunk or box not exceeding ten cubic feet. For any quantity exceeding this freight will be charged according to the tariff.

SCHEDULE D.

Freight payable to vessels engaged in Mail Service between Nassau and Eleuthera, Abaco, and Harbour Island, not higher than the rates set forth in the first column of Schedule C.

PASSAGE MONEY.

One-half of the rates specified in Schedule C, as payable between Nassau and the northern end of Long Island and intermediate places.

CLASS XI.

POST OFFICE DEPARTMENT.

No. 1.

21 Vic. c. 15. *An Act to authorise the pre-payment of Inter-insular Postal Communication by Stamps.* (20th April, 1858.)

Power of Governor with advice of Executive Council to select a design for a letter stamp to be used for the pre-payment of inter-insular postage.

I. It shall be lawful for the Governor, by and with the advice of the Executive Council, to select any design which may be laid before him for a letter stamp to be used for the pre-payment of letters, books, newspapers, and such other articles as are now or may hereafter be transmitted by post, and posted at any island within the colony, to be transmitted to any other island within the same, and for the pre-payment of letters posted at the post office in Nassau, and addressed to any person residing within the limits mentioned in the second section of nineteenth Victoria, chapter thirteen.

And to obtain stamps.

II. The Governor is hereby authorised to obtain from time to time such a number of stamps for the purposes aforesaid, as he, by and with the advice of the Executive Council, shall deem necessary.

Postmasters to be supplied with such stamps and to dispose of the same.

III. The postmaster at Nassau, and the several colonial postmasters, shall be supplied with such stamps, and shall sell and dispose of the same under such rules and regulations as the postmaster at Nassau may make, subject to the approval of the Governor, by and with the advice of the Executive Council.

IV. The Governor is hereby authorised to defray by warrant on the Public Treasury in the usual manner the expense of procuring such stamps from time to time.

Expense of procuring stamps to be defrayed from the Public Treasury.

V. The Postmaster at Nassau, and the Postmasters for the several Out-islands of the colony, shall, and they are hereby required to account for the sale of such stamps under the regulations aforesaid at the end of each quarter, when their respective postage accounts shall be made up, showing what number of stamps have been sold, the price for which they have been sold, and the number remaining on hand.

Postmasters to account quarterly for the sale of stamps entrusted to them.

VI. Notice shall be given in the official newspaper for the time being of the time when such stamps shall come into use.

Notice to be given.

No. 2.

24 Vic. c. 7. *An Act for the management of the Post Office Department of the Bahamas.* (19th April, 1861.)

I. That the Post Office Department of this colony shall be managed by one principal officer, to be stationed at the town of Nassau, in the Island of New Providence, who shall be styled Postmaster of the Bahamas, and by such number of district postmasters as it may from time to time be found necessary to appoint for the Out-island districts of the colony; all of which officers shall be appointed by the Governor, in the name of the Queen, and shall hold their respective offices during pleasure.

Appointment of Postmaster for the colony.

II. That the several district postmasters shall be under the immediate orders and directions of the Postmaster of the colony, as the head of the department, and shall correspond with and make all their financial and other returns, reports, and payments to or through him.

District postmasters to be appointed.

III. That it shall be lawful for the Governor, and he is hereby requested to make all necessary arrangements with Her Majesty's Government, for the purpose of obtaining the privilege of pre-paying, by a colonial stamp or stamps, the postage on all letters, books, newspapers, and other parcels, which now or hereafter may be transmittable by post between the colony and any other part of Her Majesty's dominions; and on such arrangement being effected, to cause a proper die or dies to be struck, and the requisite number of stamps from time to time to be procured and supplied to the Postmaster and district postmasters for sale, under such rules and regulations as may from time to time be made for the purpose by the Governor in Council. And it shall be also lawful for the Governor, acting with the advice of the Executive Council, from time to time to make rules and regulations for the government of the Post Office in any matters of detail not provided for by this Act.

Governor may make arrangements for pre-payment of letters and issuing stamps.

IV. That the rates of postage now payable on letters posted in the colony shall, as far as relates to such of the rates or portion of rates as are applicable for colonial purposes, continue to be charged and received under this Act.

Rates of postage now payable to be continued.

V. That the office in the town of Nassau heretofore used as a Post Office shall continue to be so used, and shall be styled "The General Post Office;" and the Postmaster of the colony shall give daily attendance thereat, on the days and during the hours assigned by law for the attendance at their offices of the different public officers of the colony; and such officer shall further give attendance at the said office on all such other days and at all such other hours as may be necessary to ensure the prompt receipt of mails and early distribution

Post Office in Nassau, hours of attendance.

and delivery of letters to persons attending at the Post Office to receive the same; and also for the making up and despatch of mails from the said office.

Delivery of
letters regulated.

VI. That the Postmaster shall daily, except on Sundays and public holidays, and the days of arrival of the English and inter-insular mails, deliver or cause to be delivered every letter remaining in the Post Office and addressed to any person residing or having a known place of business in the town of Nassau, including Nassau Street to the westward, Church Street to the eastward, and Hill Street to the southward, or such extended southern boundary as may be determined by the Governor in Council. Provided that nothing herein contained shall be construed to require the said Postmaster to deliver any letter without first receiving the postage thereof.

Employment of
letter carrier and
general assistant.

VII. That it shall be lawful for the said Postmaster, with the sanction of the Governor, to employ a competent person to act as letter carrier and general assistant in the Post Office at Nassau, who shall give the same attendance at the Post Office as is by this Act required of the Postmaster, and who shall perform all and singular such duties as the said Postmaster shall require of him, or as may be from time to time directed by the Governor.

Remuneration to
district post-
masters.

VIII. The district postmasters shall receive such reasonable remuneration out of the Post Office revenues of the colony as may from time to time be deemed just and fair by the Governor in Council.

Accounts to be
rendered and re-
mittances made
by district post-
masters.

IX. That every district postmaster shall, as soon as practicable after the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, in each and every year, make out a true and faithful account in duplicate of all monies received by him under the authority of this or any other Act of the General Assembly relating to the Post Office Department during the then preceding quarter; and shall transmit the same, together with the amount of money then in his hands belonging to the department, to the Postmaster at Nassau.

Accounts of Post-
master of the
colony.

X. That the Postmaster of the colony shall once in every year, or oftener if thereto required by the Governor, account for all monies received by him, under the authority of this or any other Act of the General Assembly or otherwise, on account of the Post Office Department; and shall pay the balance of all such monies then remaining in his hands over to the Receiver-General and Treasurer, to be applied in aid of the general revenue of the colony.

Expenses of
management,
not otherwise
provided for, to
be defrayed out
of Post Office
revenue.

XI. That all expenses attending the management of the Post Office Department of the colony, the payment of which is not provided for by this or any other Act of Assembly, shall be defrayed by the Postmaster, with the sanction of the Governor, out of the Post Office revenues from time to time received by him; and all payments so sanctioned and vouched for under the hand of the Governor or Colonial Secretary for the time being, shall be deemed to have been paid and disbursed by the Postmaster under the authority of this Act, and allowed accordingly.

Vessels arriving
not admitted to
entry until
delivery of
letters.

XII. That no vessel arriving at any port of entry in the colony at which a post office shall be established under this Act, from any port or place without the limits of the Government, shall be admitted to an entry by the proper revenue officer, until all letters on board of such vessel, except such as are exempted by this Act, shall have been delivered at the Post Office, and a receipt therefor obtained and produced to the proper revenue officer aforesaid: Provided always that the owners, charterers or consignees of any such vessels, and the owners or consignees of all goods on board of such vessel, shall be entitled to have their respective letters delivered to them free of postage and without being first sent to any such Post Office: Provided, that the owner, charterer or consignee, shall be described as such on the address and superscription, and in the

Proviso as to
consignees'
letters.

Proviso as to
address of letters.

case of owners, shippers or consignees of goods, it shall also appear by the ship's manifest that they have goods on board of the vessel.

XIII. That it shall be lawful for any postmaster acting under this Act, to require the master of any vessel, as last aforesaid, to make a declaration to the following effect:—"I, A. B., master of the (here state name of vessel) arriving from (state place) do declare that I have, to the best of my knowledge and belief, delivered or caused to be delivered to the Post Office every letter, being a package or parcel of letters, that were on board of my vessel, except such letters as are exempted by law from delivery at the Post Office."

Declaration to be made by masters of vessels.

XIV. And for encouraging masters of vessels bound to any port in this colony, to undertake the conveyance of letters; Be it enacted, that it shall be lawful for the Governor in Council, from time to time to sanction a scale of gratuities, to be paid to masters of vessels for the delivery of letters at the different Post Offices in the colony.

Governor in Council may sanction scale of gratuities to masters for delivery of letters.

XV. That any master of a vessel arriving at any port of entry in this colony, at which a Post Office is established, from any port or place without the limits of the Government, who shall neglect to deliver at such Post Office all letters brought by him in such vessel, not exempted from delivery by this Act, within one hour after the arrival and anchoring in port of such vessel, if the Post Office is then open for the receipt of letters, or within one hour after the then next opening of such office for the receipt of letters, as aforesaid, or, who shall refuse to make the declaration required by this Act, shall forfeit and pay a sum not exceeding five pounds for each and every letter so detained or delayed by him, or for every such refusal as aforesaid. And if any other person, being one of the officers or crew, or a passenger in any such vessel, shall knowingly have in his possession any letter not exempted from delivery at the Post Office, and shall wilfully neglect to deliver the same to the Postmaster at the port at which such vessel shall arrive within the period aforesaid, every such person shall forfeit and pay for every letter which he shall so neglect to deliver as aforesaid a sum not exceeding five pounds; and whether the letter be in the baggage or on the person of the offender, or otherwise in his custody, it shall be held to be in his possession; and every such master or other person who shall detain any such letter after demand made, either by any officer of the revenue or by any person authorised by the proper Post Office authority to demand ship's letters, shall forfeit for every letter ten pounds; all which penalties shall be recovered in a summary way before any one of Her Majesty's justices of the peace for the colony; and if any person shall take any letter from any ship's letter bag, and keep or detain the same, or shall deliver therefrom any letter, other than letters hereby exempted from the payment of postage before such letters shall have been delivered at the Post Office, shall for every such letter forfeit and pay ten pounds, to be recovered as aforesaid.

Penalties for non-delivery of letters.

XVI. That every person employed by or under the Post Office, who shall, contrary to his duty, open or procure, or suffer to be detained or delayed, a post letter, shall be guilty of a misdemeanor; and being convicted thereof, shall suffer such punishment by fine or imprisonment, or by both, as to the Court shall seem meet: Provided always, that nothing herein contained shall extend to the opening or detaining, or delaying of a post letter returned for want of a true direction, or of a post letter returned by reason that the person to whom the same shall be directed is dead or cannot be found, or shall have refused the same, or shall have refused or neglected to pay the postage thereof.

Persons employed by the Post Office, opening or detaining letters how proceeded against.

Proviso.

XVII. That every person employed under the Post Office who shall steal, or shall for any purpose whatsoever embezzle, secrete, or destroy a post letter, shall be guilty of felony; and shall at the discretion of the Court be sentenced to undergo penal servitude for any term not exceeding three years; and if any such embezzled, secreted, or destroyed letter

Punishment of officers of Post Office stealing or embezzling any post letter.

Punishment for stealing any chattel, money, &c., from Post Office letters.

Punishment for stealing letter bag or letter.

Punishment for receiving property stolen from Post Office.

Persons retaining or refusing to deliver letters or bags sent or delivered by mistake, to be guilty of misdemeanor.

Punishment of accessories.

Persons soliciting or procuring commission of offences against this Act.

Property stolen, &c., may be laid in the Postmaster.

shall contain therein any chattel or money whatsoever, or any valuable security, every such offender shall be liable to be sentenced to undergo penal servitude for any term not exceeding five years.

XVIII. Whoever shall steal from or out of a post letter any chattel or money, or valuable security, shall be guilty of felony; and shall be liable to be sentenced to undergo penal servitude for any term not exceeding five years.

XIX. That every person who shall steal a post letter bag, or a post letter from a post letter bag, or shall steal a post letter from a Post Office, or from an office of a Post Office, or from a mail, shall be guilty of felony; and shall on conviction thereof, be liable to be sentenced to undergo penal servitude for any term not exceeding five years.

XX. And with regard to receivers of property sent by the post and stolen therefrom; Be it enacted, that every person who shall receive any post letter, or post bag, or any chattel, or money, or valuable security, the stealing, or taking, or embezzling, or secreting whereof shall amount to a felony under this Act, knowing the same to have been feloniously stolen, taken, embezzled, or secreted, and to have been sent, or to have been intended to be sent by the post, shall be guilty of felony, and may be prosecuted and convicted either as an accessory after the fact, or for a substantive felony, and, in the latter case, whether the principal felon shall or shall not be amenable to justice; and every receiver, howsoever convicted, shall be liable to be sentenced to undergo penal servitude for any term not exceeding three years.

XXI. AND WHEREAS, post letters are sometimes by mistake delivered to the wrong person, and post letters and post letter bags are lost in the course of conveyance or delivery thereof, and are detained by the finders in expectation of gain or reward; Be it therefore enacted, that every person who shall fraudulently retain, or shall wilfully secrete, or keep, or detain, or, being required to deliver up by an officer of the Post Office, shall neglect or refuse to deliver up a post letter which ought to have been delivered to any other person, or a post letter bag, or post letter which shall have been sent, whether the same shall have been found by the person secreting, keeping, or detaining, or neglecting or refusing to deliver up the same, or by any other person, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be punished by fine and imprisonment.

XXII. That in case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable, and every accessory after the fact to any felony punishable under this Act (except only a receiver of any property or thing; stolen, taken, embezzled, or secreted), shall on conviction be liable to be imprisoned for any term not exceeding two years; and every person who shall aid, abet, counsel, or procure the commission of any other offence punishable under this Act, whether summarily or otherwise, shall be liable to be proceeded against and punished as a principal offender.

XXIII. That every person who shall solicit, or endeavour to procure any other person to commit a felony or other offence punishable under this Act, shall be guilty of a misdemeanor: and being thereof convicted, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years.

XXIV. That in every case where an offence shall be committed in respect of a post letter bag, or a post letter, or a chattel, money, or a valuable security, sent by the post, it shall be lawful to lay the property of the post letter bag, or of the post letter, or chattel, or money, or other valuable security, sent by the post, in the Postmaster of the colony; and it shall not be necessary to allege or to prove upon the trial or other-

wise, that the post letter bag, or any such post letter or valuable security, was of any value; and in any information to be preferred against any person employed under the Post Office, for any offence committed against this Act, it shall be lawful to state and allege that such offender was employed under the Post Office of the Bahamas at the time of the committing of such offence, without stating further the nature or particulars of his employment.

XXV. Repealed by 32 Vic. c. 13.

XXVI. That it shall be the duty of all district postmasters to forward, by the earliest conveyance, to the Postmaster at Nassau, all letters in their offices which are addressed to persons residing in the aforesaid place.

District postmaster to forward Nassau letters without delay.

XXVII. That it shall be the duty of the Postmaster at Nassau, to forward to the different district postmasters at such of the Out-islands of the Government, as lie in the route of any vessel which may for the time being be employed in the conveyance of inter-insular mails, all letters received at the office in Nassau directed to residents at any such Out-land.

Postmaster at Nassau to forward all Out-island letters.

XXVIII. That all letters brought by any person arriving at any place where a Post Office is established under this Act, which relate solely to the private affairs of the bearer, shall be exempted from delivery at such post office.

Exemption of letters brought by any person on his private affairs.

XXIX. That all persons, who at the time of the passing of this Act shall be employed in the Post Office Department of the colony, shall continue to hold their respective offices and employments under this Act, without any new appointment.

Persons now employed in Post Office to continue without fresh appointments.

XXX. That the following Acts of the Assembly shall be and the same are hereby repealed, that is to say, the nineteenth Victoria, chapter thirteen, and the twenty-second Victoria, chapter seven.

Acts repealed.

No. 3.

38 Vic. c. 14. *An Act to amend the Act of the twenty-fourth year of Her Majesty's reign, chapter seven, entitled "An Act for the management of the Post Office Department of the Bahamas."* (Assented to 9th April, 1875.)

WHEREAS the laws relating to the Post Office Department require amendment in the particulars hereinafter mentioned; May it, &c.:

PREAMBLE.

I. At the several Out-islands of the Government at which no district postmaster may now or at any time hereafter be appointed under the authority of the Act to which this Act is an amendment, the officer discharging the duties of resident or assistant resident justice for the respective districts at which they are stationed, shall be and become district postmaster, and shall be invested with and exercise the several powers and authorities by this or any other Act of Assembly vested in the postmaster or district postmaster.

Resident justices to become postmasters.

II. Every inter-insular contract mail vessel and the master thereof shall, as far as relates to the time of the departure of such vessel with mails from the port at which the mail route in which she is employed commences and the receipt at and conveyance of mails therefrom, be in all respects subject to the orders of the postmaster or district postmaster at such port as the case may be, and such vessel and her master shall also, in all matters connected with the receipt and delivery of mails at the respective ports at which such vessel may call, be subject to the orders

Contract mail vessel to be under the orders of the postmasters.

Penalty.

Proviso.

Non-delivery of letters punishable. See 24 Vic. c. 7.

Vessel not to enter till letters are delivered.

Construction and title.

of the postmaster or district postmaster, and every master as aforesaid who shall disobey any lawful order given to him in writing by the postmaster or a district postmaster as aforesaid, shall forfeit and pay a sum not exceeding five pounds, to be recovered in manner provided for in the case of other penalties by the Act to which this Act is an amendment: Provided, however, that nothing herein contained shall be construed to empower a district postmaster or officer, acting as such at a port of call, to detain a contract vessel at such port beyond the period fixed by the master of such vessel for her departure therefrom, except in cases deemed by such officer to be of urgent necessity, when and in every such instance the officer ordering the detention shall forthwith make a report to the postmaster at Nassau, setting forth the cause and reason for making the order, and such detention shall in no way prejudice the contractor, should the voyage which such vessel is then prosecuting be thereby prolonged beyond the contract time, or should the next succeeding voyage be thereby delayed beyond the stipulated period for the commencement thereof.

III. All letters received on board of any contract mail vessel, whether such letters have been sent on board from a post office or otherwise, and whether the same shall be in the possession of the master of such vessel or any other person belonging to or on board of such vessel, shall be delivered at the post office of the place or district to which such letters may be directed, and the provisions of the fifteenth section of the Act to which this Act is an amendment, shall apply to all such vessels and to the respective masters, crews, and passengers thereof, and the penalties thereby imposed shall be enforced against any person contravening the provisions of this section, in the same and the like manner as if the said fifteenth section formed a part of this Act.

IV. From and after the passing of this Act the twelfth, thirteenth, and fourteenth sections of the Act to which this Act is an amendment, shall apply to vessels arriving from any port without the limits of the Government of the Bahamas, at any port at which there shall be a district post office.

V. This Act shall be construed with the Act to which it is an amendment, and the said Act and this Act may, for all purposes, be cited as "The Post Office Acts, 1861 and 1875."

No. 4.

43 Vic. c. 8. *An Act to make provision for the admission of the Bahama Islands into the Postal Union.* (Assented to 2nd April, 1880.)

Title.

Authority to join Postal Union.

Incidental expenses to be paid.

I. This Act may be shortly cited as "The Postal Union Act, 1880."

II. It shall be lawful for the Governor and he is hereby authorised and empowered to take or cause to be taken all requisite and necessary steps to procure the admission of the Bahama Islands into the Postal Union.

III. Any incidental expenses shall be paid by the Receiver-General and Treasurer from and out of the general revenue of the colony, on warrant of the Governor, to be issued by him from time to time as occasion may require.

No. 5.

50 Vic. c. 10. *An Act to authorise the establishing of a Foreign Parcels Post.* (Assented to 6th May, 1887.)

WHEREAS the establishment of a Parcels Post between this colony and Great Britain and any other colony or foreign place will be advantageous and convenient, and it is desirable to make provision therefor: May it, &c. PREAMBLE.

I. This Act may be cited as "The Parcels Post Act, 1887."

Citation.

II. The Governor, with the advice of the Executive Council, is hereby authorised to enter into the necessary arrangements with the proper authorities and to take all such steps as are necessary for the establishing of a Parcel Post between this colony and Great Britain, and this colony and any other British colony, and this colony and any foreign state.

Parcels Post, to establish.

III. The Governor, with the advice of the Executive Council, may from time to time make such rules and regulations as may be necessary for the efficient working of any Parcel Post established under this Act. All such rules and regulations when made, may be altered, amended, or annulled, and all such rules and regulations, altered or amended rules, or amendments of rules, shall be published in the official newspaper, and thereafter shall have the effect of law.

Rules and regulations.

IV. All expenses connected with the establishment of Parcel Posts under this Act, shall be payable out of the Public Treasury in the usual manner.

Expenses.

No. 6.

57 Vic. c. 7. *An Act to authorise the detention by the Postmaster of the Bahamas of prohibited Articles posted or tendered for conveyance by post at any Post Office.* (Assented to 2nd April, 1894.)

I. In this Act the expression "prohibited article" shall include and mean any letter or postal packet containing or bearing any fictitious postage stamp, that is to say, any *fac-simile* or imitation or representation of any stamp for denoting any rate or duty of postage, including any stamp for denoting a rate or duty of postage of the United Kingdom, of this colony, or of any of Her Majesty's colonies, or of any foreign country; or purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal packet.

"Prohibited article" defined.

II. Where any prohibited article is posted or tendered for conveyance by post at any Post Office of the colony the Postmaster of the Bahamas shall have power to detain such article and either, return or give it up to the sender thereof, or deal with or dispose of the same in such manner as may be authorised by the Governor.

Prohibited articles may be detained by Postmaster.

No. 7.

58 Vic. c. 7. *An Act to amend the Act 57 Vic. c. 7, authorising the detention by the Postmaster of the Bahamas of prohibited articles posted or tendered for conveyance by Post at any Post Office.* (Assented to 26th April, 1895.)

I. The authority given to the Postmaster of the Bahamas by the second section of the Act fifty-seventh Victoria, chapter seven, may be exercised by him in all respects whether the prohibited article dealt with thereunder is or has been posted without the colony.

Prohibited articles posted without the colony may be detained by Postmaster.

No. 8.

62 Vic. c. 7. *An Act to consolidate the laws regulating the Post Office Savings Bank of the Colony.* (Assented to 20th April, 1899.)

Title.	I. This Act may be cited as "The Post Office Savings Bank Act, 1899."
Definitions.	II. In this Act the following expressions shall have the following meanings:— <i>Post Office Authorities</i> , shall include and mean the Postmaster of the Bahamas, or a district postmaster. <i>Depositor in the Savings Bank</i> means any person having an account in the books of the Post Office formed by deposits made under "The Post Office Savings Bank Act, 1885," "The Post Office Savings Bank Amendment Act, 1866," and this Act. <i>Savings Bank</i> means "The Post Office Savings Bank of the Colony."
Continuation of Savings Bank.	III. The Post Office Savings Bank established by "The Post Office Savings Bank Act, 1885," shall, subject to the provisions of this Act, continue to be the Post Office Savings Bank of the colony, and it shall be the duty of the Postmaster of the Bahamas (hereinafter called postmaster) acting under the authority of the Governor in Council to continue to receive deposits and to repay the same under such regulations as may be described by the Governor in Council.
District postmasters' duties.	IV. It shall be lawful for the Governor in Council to authorise any district postmaster of the colony (hereinafter called district postmaster) to receive deposits for remittance to the postmaster at Nassau, under such regulations as may be deemed necessary for properly securing the objects of this Act.
Deposits how made.	V. Every deposit received by the postmaster and a district postmaster shall be entered by the postmaster or district postmaster at the time of receiving the same in the depositor's book, and such entry shall be attested by the said postmaster or district postmaster and by the dated stamp of his office, and such attestation shall be conclusive evidence of the claim of such depositor to the repayment of the deposit with interest thereon as provided by the regulations to be made as aforesaid, upon demand made by him upon the postmaster or district postmaster as the case may be. Provided always that no such deposit shall be of less amount than one shilling nor of any sum not a multiple thereof.
Deposits payable on demand.	VI. On demand made upon the postmaster or district postmaster, as the case may be, by the depositor or party legally authorised to claim on account of a deposit made in such form as shall be prescribed in that behalf for repayment of any deposit, or any part thereof, the depositor shall be absolutely entitled to repayment out of the public revenue of any sum that may be demanded by and due to him within seven days at furthest after his demand shall be made, if his deposit account is opened at Nassau; or within two months if his account be opened at a District Post Office.
Minors may make deposits.	VII. Where any deposit shall be made by a minor under twenty-one years, or for the benefit of any such minor, it shall be lawful for the Post Office authorities to pay to such minor the amount so deposited, if such minor be above the age of seven years and under the age of sixteen years, and the receipt of such minor shall be a sufficient discharge notwithstanding his or her incapacity or disability in law to act for him or herself.
Deposits of minors under 7 years may be paid.	VIII. Deposits made by or on behalf of minors under the age of seven years may be repaid to the father or mother of such minor, upon his or her application therefor, and the receipt of such father or mother

shall be a sufficient discharge to the Post Office authorities for any sums deposited by or on behalf of such minor.

IX. A depositor in the savings bank, not being under sixteen years of age may at any time withdraw a deposit made by him, and also may by writing under his hand delivered at, or sent to the Post Office authorities, nominate any person, not being an officer or servant of the Post Office (unless such officer or servant be the husband, wife, father, mother, child, grandchild, brother, sister, nephew or niece of the nominator) to whom any sum not exceeding £30 which may remain due to such depositor at his decease, may be paid at such decease, and may from time to time revoke or vary such nomination by writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the Post Office authorities shall pay to the nominee the sum due to the deceased depositor provided it does not exceed £30.

Depositor not under 16 may control his deposit.

X. If a depositor in the Savings Bank who is entitled to make a nomination is illegitimate and has died intestate, and without having made any such nomination subsisting at his death, the Post Office authorities may pay the sum which such depositor might have nominated to or among the person or persons who in the opinion of the Attorney General would have been entitled thereto if such depositor had been legitimate, or if there are no such persons, then the deposits shall be dealt with as the Governor in Council may direct.

Nomination by an illegitimate.

XI. All payments made by the Post Office authorities under the powers aforesaid shall be valid with respect to any demand of any other person as next of kin of a deceased depositor, or as his lawful representative, or person claiming to be such representative, against the Post Office authorities or the Government; but such next of kin, representative, or claimant, shall have remedy for recovery of such money, so paid as aforesaid, against the person or persons who shall have received the same.

Payments by Post Office authorities when valid.

XII. If any depositor in the Savings Bank entitled to any sum of money not exceeding £30 dies intestate and without having made any nomination under this Act which remains unrevoked at his death, such interest shall be transferable or payable, without letters of administration, to or among the persons who appear to the Attorney General, upon such evidence as he may deem satisfactory, to be entitled by law to receive the same.

Intestates' deposits how dealt with.

XIII. Whenever the Post Office authorities, after the decease of any depositor, make any payment or transfer to any person who at the time appears to the Attorney General to be entitled under the next preceding section, the payment or transfer shall be valid and effectual against any demand made upon the said Post Office authorities by any other person.

Payment of intestates' deposits made under 12th section valid.

XIV. Deposits may be made in the Savings Bank by a trustee on behalf of another, which deposits shall be made in the name of such trustee and the name of the person on whose account such sums shall be so deposited; and repayment of the same or any part thereof shall not be made by the Post Office authorities without the receipt and receipts of the said trustee and the person on whose account such deposit may have been made, or the survivor or survivors, or the executors or the administrators of such survivor whose receipt and receipts either in person or by agent appointed by power of attorney, which power of attorney shall be valid if executed by an infant of or exceeding the age of fourteen years, shall alone be a good and valid discharge to the said Post Office authorities, except in case of the insanity or imbecility of the party on whose behalf the deposit has been made, upon proof of which to the satisfaction of the said Post Office authorities, repayment may be made to the said trustee.

Deposits by trustee.

Settlement of
disputes.

XV. If any dispute shall arise between the Post Office authorities and any individual depositor, or any executor, administrator, next of kin of any depositor, or any person claiming to be such executor, administrator or next of kin, or to be entitled to any money deposited in such Savings Bank, then and in every such case the matter in dispute shall be referred in writing to the Attorney General who shall have power to proceed *ex parte* on notice in writing to the Post Office authorities left or sent by the Attorney General to the office of the postmaster or district postmaster as the case may be, and whatever award order or determination shall be made by the Attorney General shall be binding and conclusive on all parties, and shall be final to all intents and purposes, without any appeal, and no submission to, or award, order or determination of the said Attorney General shall be liable to or charged with any stamp duty.

Application of
words in 10 Vic.
c. 29.

XVI. Wherever in the eighth section of the Act of Assembly 10 Victoria, chapter 29 the words "Public Bank at Nassau" or "said Bank" shall occur, the same shall hereafter be held to apply to the Savings Bank, and it shall be lawful for the friendly societies established under the said Act to continue as heretofore to make deposits in the Savings Bank beyond the limit fixed by this Act.

Friendly societies,
deposits of,
how made.

XVII. Deposits made on behalf of a friendly society shall be made in the name of the society.

First deposit of
a friendly society
to be accom-
panied with a
certificate.

XVIII. With the first deposit made by a society, there shall be delivered to the Post Office authorities a certificate signed by the persons holding the offices of president and treasurer of such society to the effect that they are the president and treasurer thereof, which certificate shall be declared to before a Justice of the Peace; and the persons named in such certificate shall, together with the official auditor named in the Act of Assembly 10 Victoria, chapter 29, be entitled to withdraw sums from the amount so deposited as the same may be required for the purposes of the said society according to the rules framed under this Act.

Changes in
officers of
friendly society.
to be notified to
Post Office
authorities.

XIX. Upon any change taking place in the persons holding the offices named in the preceding section, such change shall be notified to the Post Office authorities by the persons succeeding to such offices delivering to the Post Office authorities a certificate signed by them to the effect that they have succeeded to such offices, which said certificate shall, as in the case of the one required by the 18th section be declared to before a Justice of the Peace; and whenever any such certificate has been declared to the parties named therein, together with the official auditor aforesaid, shall be deemed to be the persons entitled to withdraw from the amount on deposit for such society for the purposes of the said society according to the rules aforesaid.

Withdrawal
by friendly
society.

XX. Monies deposited on behalf of a friendly society shall only be withdrawn upon a requisition signed by the president and treasurer of such society for the time being, and countersigned by the official auditor aforesaid.

Other societies
may make
deposits.

XXI. In addition to the right of deposit given to friendly societies as aforesaid it shall be lawful where any number of persons have formed themselves into an association for any of the purposes set forth in the 1st, 2nd, 3rd and 4th subsections of the 1st section of the Act of Assembly 10 Victoria, chapter 29, but are not established as a friendly society under the Acts relating to such societies, to make deposits in the Savings Bank.

Rules for
deposits.

XXII. Such deposits shall be made according to such rules as may be framed for the purpose.

Monies of Post
Office Savings
Bank to be held
by postmaster.

XXIII. All monies received by the postmaster for deposit in the Savings Bank shall be deposited and held by him in such manner and according to such directions as may from time to time be issued to him by the Governor in Council.

XXIV. All accounts relating to and in connection with the Savings Bank shall be kept by the postmaster.

Accounts of Savings Bank to be kept by postmaster.

XXV. All monies received by the postmaster for deposits shall so far as practicable be invested in England in such securities as may be approved of by the Secretary of State for the Colonies; but whenever in the opinion of the Governor, in Council such monies can be otherwise safely invested instead of by remittance to England for investment there, it shall be lawful for the Governor, with the advice of the Council, to make such other investments in such securities as in his and their discretion will be for the advantage of the said Savings Bank.

Investment of monies of Post Office Savings Bank.

XXVI. It shall be lawful to raise any sum or sums of money that may at any time or times be required for repayment of deposits by the sale of the whole or a part or parts of any of the securities aforesaid. Provided that if at any time or times the monies arising from such sale or sales shall be insufficient to pay the lawful claims of every such depositor as aforesaid, the Governor by and with the advice of the Executive Council shall cause such deficiency to be paid out of the Public Revenue.

Repayment of deposits how made.

XXVII. Interest shall be payable to depositors in the Savings Bank at the rate of two pounds ten shillings per centum per annum.

Interest on deposits.

XXVIII. Such interest shall not be calculated on any amount less than one pound or some multiple thereof, and shall not commence until the first day of the first calendar month next following the day of deposit, and shall cease on the first day of the calendar month in which any deposit shall be withdrawn.

Interest how calculated.

XXIX. Interest shall be calculated on the 31st day of December in every year, and shall be added to and become part of the principal money. Should an account be closed before the 31st day of December interest shall be calculated to the last day of the month preceding the month of closure and paid with the principal.

Disposition of interest.

XXX. The provisions of the Stamp Acts of the colony shall not apply to receipts given by a depositor in the Savings Bank upon withdrawals of any deposit or any part thereof.

Depositors' receipts not subject to stamp duty.

XXXI. An annual account of all deposits received and sums of money paid under the authority of this Act, and of the expenses incurred during the year ended the 31st day of December, together with a statement of the total amount due at the close of the year to all depositors shall be laid before both branches of the Legislature not later than the 31st day of March in every year.

Annual account to be laid before the Legislature.

XXXII. All expenses incurred in carrying this Act into execution shall be paid out of the Public Treasury by warrant in the usual manner.

Expenses how paid.

XXXIII. No person engaged in carrying out this Act shall disclose the name of any depositor or the amount which may be deposited or withdrawn by any depositor, except to such person or persons appointed to assist in carrying this Act into execution.

Secrecy.

XXXIV. The Governor may with the advice of the Council make, and from time to time, as he shall see occasion, alter rules or regulations for superintending, inspecting, and regulating the mode of keeping and examining the accounts of depositors, and with respect to the making of deposits and to the withdrawal of deposits and interests, and all other matters incidental to the carrying of this Act into execution, and all rules or regulations so made shall be binding on the parties interested in the subject matter thereof in the same manner and to the same extent as if such rules or regulations formed a part of this Act. Provided, however, that provision shall be made in such rules or regulations limiting the total amount of deposits by any one person to two hundred pounds, of which not more than forty pounds shall be annually deposited. Provided also, that all rules or regulations framed under the authority of the

Authority for making rules.

Post Office Savings Bank Acts hereinafter repealed, shall continue in force notwithstanding such repeal, and be deemed and taken, subject to the provisions thereof, to have been made and framed under the authority of this Act.

Repeals.

XXXV. The Acts and parts of Acts set forth in the Schedule hereto are hereby repealed to the extent mentioned in the third column thereof.

SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
48 & 49 Vic. c. 27.	An Act to grant facilities for depositing small savings at interest with the security of the Government of these Islands for the due repayment thereof.	1st, 2nd, 4th, 5th, 6th, 8th, 9th, 12th, 13th, 14th, and 15th Sections.
49 Vic. c. 6. ...	An Act to amend "The Post Office Savings Bank Act, 1885."	The whole Act.
51 Vic. c. 25. ...	An Act further to amend "The Post Office Savings Bank Act, 1885."	1st, 2nd, 4th, 6th, and 7th Sections.
53 Vic. c. 16. ...	An Act further to amend "The Post Office Savings Bank Act, 1885."	The whole Act.
55 Vic. c. 20. ...	An Act to amend the Post Office Savings Bank Acts.	The whole Act.
57 Vic. c. 10. ...	An Act further to amend the laws relating to the Post Office Savings Bank of the Colony.	The whole Act.
60 Vic. c. 7. ...	An Act further to amend the laws relating to the Post Office Savings Bank.	The whole Act.

CLASS XII.

MAIL, TELEGRAPHIC, AND HOTEL SERVICES.

No. 1.

36 Vic. c. 16. *An Act to provide for the performance of the Mail Service between the United Kingdom and the Port of Nassau, in the Island of New Providence, and elsewhere.* (Assented to 19th April, 1873.)

Provision for the conveyance of mails by steamer under contract.

I. It shall be lawful for the Governor, as soon as practicable after the passing of this Act, and afterwards from time to time as it may be necessary, to cause a contract or contracts to be entered into with such good and substantial person or persons, and for and upon such terms and conditions as shall be approved of by the Governor, acting by and with the advice of the Executive Council of the colony, for a mail service between the United Kingdom and Nassau, by the way of the port of New York, in the United States of America, if a suitable contract can be made; or, failing that, by the way of some other and nearer port in the said United States, and either with or without communication with or conveyance of mails between any port out of the said United States, in and by such good, substantial and sufficient steam vessel or vessels as may be approved of for the purpose.

II. In any contract entered into under this Act the conveyance of passengers and freight to and from Nassau, and from and to all other ports from which the contract vessels shall take their departure, or to which they shall proceed, shall be provided for.

Passengers and freight provided for.

III. All contract vessels shall be, and they are hereby exempted from the payment of all tonnage dues and other port-charges, pilotage excepted.

Exemptions.

IV. Until a contract is entered into under this Act, it shall be lawful for the Governor, acting with the advice of the Executive Council, to make temporary arrangements for the conveyance of mails between the port of New York, in the United States of America, and the port of Nassau aforesaid.

Temporary arrangements may be made.

V. The expense attending the carrying into execution of this Act over and above the proportion which may be contributed by Her Majesty's Imperial Government, shall be a charge on the general revenue of the colony, and shall be paid out of the Public Treasury of the colony, by warrant of the Governor in Council.

Defrayment of expenses.

VI. The following Acts shall be and the same are hereby repealed, viz. :

Repeal.

31 Victoria, chapter 1.

33 Victoria, chapter 11.

and

34 Victoria, chapter 20.

VII. This Act shall commence and take effect from the passing thereof.

Beginning.

No. 2.

37 Vic. c. 15. *An Act to amend the Act 36 Victoria, chapter 16, entitled "An Act to provide for the performance of the Mail Service between the United Kingdom and the Port of Nassau, in the Island of New Providence, and elsewhere."* (Assented to 25th April, 1874.)

WHEREAS, it is desirable to amend the Act providing for the conveyance of mails between the United Kingdom and Nassau, and elsewhere, in the particulars hereinafter mentioned; May it, &c. :

I. It shall be lawful for the Governor, in addition to any contract entered into, or which may hereafter be entered into for the performance of a mail service between the United Kingdom and Nassau, by the way of New York, in the United States of America, to enter into a contract or contracts, if practicable, for a mail service during the winter months, between Nassau and a port in the Southern States of North America, in, and by such good and substantial and sufficient steam vessel or vessels as may be approved of for the purpose, anything in the first section of the said Act to the contrary notwithstanding. Provided, however, that the total amount of expenditure for both contracts shall not exceed, inclusive of the proportion which may be contributed by Her Majesty's Imperial Government, the sum of £5,700.*

Additional mail service between some port in the Southern States of America authorised.

II. That the second and third sections of the Act 36 Victoria, chapter 16, shall apply to any contract entered into under this Act, and to the vessels employed thereunder.

Sections of another Act.

* Reduced to £3,700 by 48 Vic. c. 22.

No. 3.

48 Vic. c. 22. *An Act to amend the Act 37 Victoria, chapter 15.*
(Assented to 22nd May, 1885.)

Reduces mail
subsidy to
£3,700.

I. It shall be lawful for the Governor, acting by and with the advice of the Executive Council of the colony, to expend in any one year a sum not exceeding three thousand seven hundred pounds for any future contract or contracts for the performance of a mail service between the United Kingdom and Nassau, New Providence, by way of a port or ports in the United States of America, and so much of the first section of the Act 37 Victoria, chapter 15, as authorises the expenditure, in any one year, of a sum not exceeding five thousand seven hundred pounds is hereby repealed.

No. 4.

55 Vic. c. 1. *An Act for establishing Telegraphic communication between the Bahama Islands and parts beyond the limits of the Colony.* (Assented to 10th October, 1891.)

PREAMBLE.

WHEREAS it is desirable that other arrangements than exist at present should be made for securing to the colony the benefits of telegraphic communication with the United Kingdom, and other parts of the world, and for that purpose it is expedient to vest in the Governor and Executive Council the powers herein contained; May it, &c. :

Title of Act.

I. This Act may be cited for all purposes as "The Telegraph Act, 1891."

Authority to
Governor in
Council to enter
into contract for
securing tele-
graphic com-
munication with
United Kingdom
and elsewhere.

II. It shall be lawful for the Governor, acting by and with the advice of the Executive Council, to make all necessary arrangements for securing, establishing, and maintaining direct telegraphic communication between these islands and the United States of America, or such other country as may be desirable, in such manner and upon such conditions so as effectually to obtain for the colony the benefits of telegraphic communication with the United Kingdom and elsewhere; and for that purpose to make and enter into such contract or contracts as may be requisite.

Authorises the
raising of a loan
of £30,000 by
issue of debentures.

III. For the purposes of this Act it shall be lawful for the Governor, with the advice of the Executive Council, to authorise the Receiver-General and Treasurer of these islands, or the Crown agents for the colonies, in London, to raise the sum of thirty thousand pounds by the issue of debentures.

Debentures;
denomination of
form.
How signed and
countersigned.

IV. Debentures issued under this Act shall be for sums of not less than one hundred pounds; shall be in the form decided upon by the Governor in Council; shall be signed by the Receiver-General and Treasurer, or such other person as may be designated for the purpose by the Governor in Council; shall be countersigned by the Colonial Secretary, or such other person as may be designated for the purpose by the Governor in Council; shall bear interest at a rate not exceeding four per cent.; and shall not be redeemable until the expiration of thirty years after the respective dates thereof.

Rate of interest.
When redeem-
able.

Interest when
and how payable.

V. The interest accruing due on debentures issued under this Act shall be payable quarterly out of the Public Treasury, and shall have the same preference over all other payments to be made out of the Public Treasury as has hitherto been granted to interest payable on debentures issued within the colony.

VI. It shall be lawful for the Receiver-General and Treasurer, acting under the authority of the Governor in Council, on the first day of January, and the first day of July, in each year for the next thirty years, commencing on the first day of January now next ensuing, to set aside out of the general revenue of the colony the sum of two hundred and sixty-seven pounds ten shillings, and remit the same to the Crown agents for the colonies, to be invested by them in such securities and in such manner as may be authorised by the Governor in Council, so as to form a sinking fund towards the redemption of the aforesaid debentures.*

Formation of
sinking fund.

VII. There shall also be paid out of the Public Treasury semi-annually on the first day of February and the first day of August, in every year, for twenty years, commencing on the first day of February now next ensuing, by warrant in the usual manner, the sum of three hundred and fifty pounds, to such person or persons, corporation or corporations, as may be directed by the Governor in Council, for the formation of a fund for the maintenance and repair of any cable laid under the provisions of this Act; such fund to be disposed of as may be set forth in any contract entered into under the second section of this Act.

Formation of a
repairing fund.

VIII. The Governor in Council shall have power, after a cable has been laid and is in working order, to make all necessary rules for the proper and efficient working thereof, and to fix rates and charges for the transmission of messages thereby, and such rules and rates to alter and change as occasion may require.

Authority to
make rules and
fix rates.

IX. All monies required for the proper and perfect working of the said cable, the payment of operators and assistants, and that may otherwise be necessary for the proper carrying out of this Act, shall be payable out of the Public Treasury by warrant in the usual manner.

Payment of ex-
penses of work-
ing cable, &c.

X. All monies received from the working of the cable shall be paid into the Public Treasury in aid of the general revenue of the colony.

Receipts from
cable to form
part of the
general revenue.

XI. And whereas it may become necessary in extending the land line of the said cable to enter upon private lands in the Island of New Providence for the purpose of erecting thereon posts for the reception of the wire, or otherwise; Be it therefore enacted, that it shall be lawful for the Governor, by order in Council, where it has been shown to his satisfaction that it is necessary for the purposes of this Act so to do, to authorise any person connected with the undertaking of laying the cable under this Act, to enter, with his assistants, upon any private land in the Island of New Providence, and to remain thereon so long as may be necessary for the purpose of effectually carrying on and continuing the said land line of the said cable, by erecting on such land posts for the reception of wires or otherwise; and for any of the said purposes, and for the protection of the posts and the wires thereon, to cut down from the vicinity thereof, to such extent as may be necessary, any trees or brushwood growing upon any such lands so entered upon.

Power to enter
on private lands
for the purpose
of erecting posts
for land line of
cable.

XII. Where the land line is conducted along the public roads of the Island of New Providence, it shall be lawful for the person engaged in laying the same to enter, with his assistants, in and upon any private land abutting upon any such roads, and cut down all trees and brushwood growing upon such land which, in his opinion, it may be necessary to cut down for the safety and protection of the said land line.

Authority to
enter private
lands and remove
trees where land
line conducted
along public
roads.

XIII. Where any entry has been made under the 11th and 12th clauses of this Act, and posts erected on private land so entered upon, and trees cut down, it shall be lawful for the Governor in Council, by warrant in the usual manner, to direct the payment out of the Public Treasury to the person whose land has been entered upon, of such

Compensation to
owners of land
entered upon.

* The amount payable under this section has been reduced by 5th sec. 57 Vic. c. 1, post, Part 8, Class 3, No. 5.

amounts as may be agreed upon by two arbitrators to be named, one by such person, and the other by the Secretary of the colony, and in case of their disagreement by an umpire to be appointed by the Chief Justice of the colony, as reasonable compensation for the acts committed on such land under the authority of this Act.

Telegraph posts erected on private land to become public property.

XIV. All posts erected on any private land as aforesaid shall be deemed to be public property and to vest in the Board of Public Works for the Island of New Providence; and it shall be lawful for the said Board at all times to authorise any of its officers, or any other person whomsoever, to enter upon the land whereon the said posts are erected to examine the same, and, when necessary, to remain on such land and execute any repairs to the said posts or the wires attached thereto.

Right of Board of Works to enter private lands whereon posts erected.

XV. Where the posts conducting the land line stand upon a public road, the Board of Public Works aforesaid shall have power at any time to enter, by its officers, servants and others, upon any private land abutting upon any such road, and cut down all trees growing thereon which it may be deemed necessary by the said Board to have removed for the safety and protection of the said land line.

Compensation.

XVI. Where the Board has acted under the immediately preceding section, it shall be lawful for the Governor in Council, by warrant in the usual manner, to direct the payment out of the Public Treasury of such monies as may be awarded by arbitrators or an umpire to be appointed according to the provision of the 13th Section of this Act.

Repeal.

XVII. The Act of Assembly, 54 Victoria, chapter 2, shall be and the same is hereby repealed.

No. 5.

55 Vic. c. 4. *An Act to make further provision respecting the Telegraph Cable.* (Assented to 8th April, 1892.)

Title.

I. This Act may be cited as "The Telegraph Amendment Act, 1892."

Words "cable" and "official newspaper" defined.

II. In the construction of this Act and "The Telegraph Act, 1891," unless there is something inconsistent in the context, the word "cable" shall include the cable, land line, and all appurtenances connected with and belonging to the telegraph cable of the colony; and the words "official newspaper" shall mean the newspaper in which Government notices are published.

Payment of expenses.

III. All expenses incurred in carrying this Act into execution shall be payable out of the Public Treasury by warrant in the usual manner.

Cable declared to be property of Colonial Government.

IV. The cable between the Island of New Providence and the coast of Florida in the United States of America, laid and established under the provisions of "The Telegraph Act, 1891," is hereby declared to be the property of the Colonial Government.

In legal proceedings, cable to be referred to as property of the Government.

V. In all legal proceedings whatsoever instituted and taken in relation to the said cable, the same may be laid and referred to as the property of the said Government.

Course of cable to be distinguished by buoys.

VI. The Governor and Council are hereby authorised to cause all necessary means to be adopted by the placing of buoys, or otherwise, for distinguishing the course of the said cable from the shore of the Island of New Providence seaward to the one hundred fathom line shown on the Admiralty chart referring to the coasts of these islands.

Officers and operators to be appointed by the Governor.

VII. It shall be lawful for the Governor to appoint the necessary officers and operators for the purpose of working the said cable, at such salaries as may be decided upon in Council, one of which officers shall

be styled Superintendent of Telegraphs and Electrical Engineer to the Government. Provided, however, that the annual expenditure for such salaries shall not exceed the sum of six hundred pounds. Proviso.

VIII. It shall be lawful for the Governor in Council, by Order of Council, to declare that no boat or vessel shall be anchored off the coast of the said Island of New Providence within two hundred fathoms of the said cable, or of the buoys or other marks placed in position under the preceding section for distinguishing the course of the said cable; and such Order in Council to vary and change from time to time when necessary. Distance of anchorage in vicinity of cable to be regulated by Order in Council.

IX. Every such order in Council when made shall be published in the official newspaper in three successive issues. Publication of Order in Council.

X. Any person who, in violation of any Order in Council issued under the eighth section of this Act, shall anchor, or cause or permit to be anchored any boat or vessel at any place along the shore of the Island of New Providence, within the distance fixed by the said Order in Council, shall, upon conviction thereof, before any Justice of the Peace be liable to be imprisoned for any period not exceeding three months. Penalty for violation of Order in Council.

XI. It shall be lawful for any revenue officer of the colony, or any person in the employ or service of the Commissioners of Pilotage for the Island of New Providence, to enter in and upon any boat or vessel found anchored within the distance of two hundred fathoms from the cable prescribed by the eighth section of this Act, and such boat or vessel to remove and take away, and place and anchor in such locality beyond the limit of distance fixed by the aforesaid section, as such officer or person may deem necessary for the safety of the said cable. Lawful for revenue officers and persons in the employ of the Commissioners of Pilotage to remove and take away vessels anchored within the distance prescribed.

Provided that where the anchor of any boat or vessel may become foul of or entangled with the cable, such revenue officer or other person shall not proceed to remove and take away such anchor except under the direction and supervision of the Superintendent of Telegraphs and Electrical Engineer to the Government. Proviso.

XII. The 188th section of "The Revenue Consolidation Act, 1873," providing for the punishment of persons assaulting or obstructing a revenue officer in the execution of his duty, shall be applicable to any revenue officer or person acting under the eleventh section of this Act as fully and effectually as if the said section had been incorporated and enacted in this Act. Penalty for obstructing any revenue officer.

XIII. Whosoever shall unlawfully and maliciously cut, break, throw down, destroy, injure or remove, or in any way interfere with any battery, machinery, wire, cable, post or other matter or thing whatsoever, being part of or being used or employed in or about the cable of these islands, or in the working thereof, or shall unlawfully and maliciously prevent or obstruct in any manner whatsoever the sending, conveying, or delivery of any communication by any such cable, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding five years, with or without hard labour. Provided that if it shall appear to any Justice of the Peace, on the examination of any person charged with any offence against this section, that it is not expedient to the ends of justice that the same should be prosecuted in the General Court of the colony, the Justice may proceed summarily to hear and determine the same, and the offender shall on conviction thereof, at the discretion of the said Justice, either be committed to the Nassau Prison, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding twelve months, or else shall forfeit and pay such sum of money, not exceeding ten pounds, as to the Justice shall seem meet. Penalty for interference with cable, &c. or obstructing the sending or delivery of cable communications.

Proviso.

Penalty for attempting by any overt act to commit any offence in preceding section.

XIV. Whosoever shall unlawfully and maliciously by any overt act attempt to commit any of the offences in the last preceding section mentioned, shall, on conviction thereof, before a Justice of the Peace, at the discretion of the Justice, either be committed to the Nassau Prison, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding three months, or else shall forfeit and pay such sum of money, not exceeding five pounds, as to the Justice shall seem meet.

Improper disclosure of telegram punishable.

XV. Any person engaged in the public service of these islands in connection with the cable, in any capacity whatsoever, who shall, contrary to his duty, disclose or in any way make known or intercept the contents, or any part of the contents of any telegraphic messages, or any message entrusted to the Superintendent of the telegraph cable of the colony for the purpose of transmission, or of any message received for delivery within the colony, shall be guilty of a misdemeanor, and shall, upon conviction, be subject to imprisonment for a term not exceeding twelve calendar months; and it shall be lawful for the Governor, by and with the advice of the Executive Council, to make regulations to carry out the intention of this section, and to prevent the improper use by any person in the employment of the Government of any knowledge he may acquire of the contents of any telegraphic message.

Regulations to be made.

Additional rules to be framed affixing penalties.

XVI. In addition to the power given by the 5th section of "The Telegraph Act, 1891," it shall be lawful for the Governor in Council, from time to time, to frame such further and other rules as may be necessary, and in such rules to affix penalties for any breach thereof, such penalties not to exceed two pounds for each offence, and also to provide for obtaining secrecy on the part of all persons connected with the telegraph department by the administering of oaths.

Secrecy.
Oaths.

No. 6.

58 Vic. c. 4. *An Act to amend the Laws relating to the Telegraph Cable of the Colony.* (Assented to 26th April, 1895.)

Recovery of penalties.

I. All penalties imposed for the breach of any rule made or to be made under the authority of the laws relating to the telegraph cable of the colony shall be recovered before any one of Her Majesty's Justices of the Peace in these islands, in the same and the like manner as other penalties imposed by law are directed to be recovered.

No. 7.

61 Vic. c. 15. *An Act making provision for a temporary Mail Service.* (Assented to 31st May, 1898.)

Provides for a temporary mail service.

I. Whenever in the opinion of the Governor in Council it becomes apparent that the regular performance of an existing mail service between this colony and the United Kingdom by way of the United States is or is likely to be interrupted or rendered doubtful, it shall be lawful for the Governor, acting with the advice of the Council, to take immediate steps to prevent the same by making arrangements with any person or Company for the proper and regular performance of a mail service as aforesaid at such times, for such periods not exceeding one year, and under such conditions as may be deemed advantageous to the public interests.

II. It shall be lawful for the Governor in Council by warrant in the usual manner to direct the payment out of the Public Treasury of the sum of five hundred pounds for carrying this Act into execution. Payment of £500 authorised.

No. 8.

61 & 62 Vic. c. 24. *An Act to transfer certain Government lands and premises in the City of Nassau, with the view to the increase of Hotel accommodation, and to authorise the making of a new Mail Contract, and for other purposes connected with these undertakings.* (Assented to 10th August, 1898.)

WHEREAS it is of great importance in the best interests of the colony that measures should be adopted for increasing the hotel accommodation in the Island of New Providence; for subsidising a fast and frequent mail passenger and freight service between the port of Nassau and the United Kingdom by way of a port or ports in one of the Southern States of the United States of America, and for otherwise contributing towards the further advancement of these islands.

And whereas Henry Morrison Flagler, Esquire, of 26 Broadway, New York, and of Florida, in the United States of America, has offered and agreed to provide such hotel accommodation, and to establish and maintain such communication on certain terms and conditions which the Government of these islands have accepted, and which are hereafter set forth in this Act.

And whereas it is expedient to give effect to the various stipulations in the manner hereinafter specified; May it, &c.

I. This Act may be cited for all purposes as "The Hotel and Steam Service Act, 1898." Short title.

II. The lands and premises known as the Royal Victoria Hotel, and the lands and premises commonly called Fleming Square, and the barracks property, all of which are more particularly described in the Schedule to this Act, are hereby vested, subject to the terms of an existing lease of the said Royal Victoria Hotel property, which will shortly expire in the Florida East Coast Hotel Company, a corporation of the State of Florida, in the United States of America, which said corporation is hereby declared capable of holding, and is authorised to hold, the said lands and premises upon its complying with the requirements specified in the Act of Assembly, 54 Victoria, chapter 3, the said Company being the designated assignee of the said Henry Morrison Flagler, the same to be held by the said corporation on the conditions hereinafter expressed. Royal Victoria Hotel and Fleming Square and the barracks property vested in the Florida East Coast Hotel Company.

The conditions on which the said property is hereby vested are as follows:— Company authorised to hold the lands.

1. That the said Henry Morrison Flagler, his heirs and assigns, shall, upon the termination of the existing lease of the said Royal Victoria Hotel, pay into the Public Treasury of these islands the sum of ten thousand pounds the consideration therefor, and on the coming into operation of this Act shall enter into an agreement with the Colonial Secretary on behalf of the Government to contribute towards the erection, by the colony, of a constabulary barracks by the payment of a sum of £2,500 when demanded or required by the Government of these islands, and by the delivery thereto of such of the materials from the buildings now on the said barracks property as may be needed or desired by the said Government. *Provided*, that all such materials so needed or desired shall be removed by the colony Conditions of sale.

Payment of £10,000 for the Royal Victoria Hotel.

Henry Morrison Flagler shall enter into an agreement to contribute £2,500 towards a constabulary barracks. Proviso.

Erecting and
maintaining an
hotel.

Period to be
kept open.
Proviso.

Proviso.

Maintaining a
mail, passenger,
and freight
service.

Notice to be
given to Sur-
veyor-General.

Notice to be
given by Sur-
veyor-General.

Certain public
rights to cease
and determine.

Removal of earth
from the grounds
of Fort Char-
lotte authorised.

in such time and manner as not to impede or unnecessarily embarrass the work of erecting the said new hotel and beautifying the grounds thereof.

2. That the said Henry Morrison Flagler, his heirs, executors, administrators, and assigns shall, with all practicable despatch, and at the latest before the 31st day of December, 1898, commence to erect and construct on the barracks and Fleming Square properties above referred to and hereinafter described, and on or before the first day of January, 1900, finish and complete with all necessary and proper out-buildings and appliances an hotel containing not less than 340 bedrooms, and on the completion thereof shall maintain and carry on such hotel during the continuance of any contract for steam service entered into under this Act, in the same manner as first class hotels may from time to time be carried on and maintained in Florida, in the United States of America, and shall keep open the said hotel for the accommodation of visitors for not less than ten weeks in each year.

Provided, however, that if the said barracks and Fleming Square properties be not vested in the said Company on or before the first day of September, 1898, the date for completing and opening the said hotel shall be extended to the first day of January, 1901, and that in such event the sum of £3,500 to be paid annually to the said Henry Morrison Flagler as hereinafter provided, shall only begin and take effect from the first day of January, 1900.

Provided, nevertheless, that notwithstanding the vesting of the said lands and premises in the said corporation as such designated assignee, the said Henry Morrison Flagler, his heirs, executors, and administrators, shall remain bound and liable for the due performance of the conditions herein contained.

3. That the said Henry Morrison Flagler, his heirs, executors, administrators, or assigns, shall maintain a fast and frequent mail, passenger, and freight service between the port of Nassau and the port of Miami, in the State of Florida, in the United States of America, or such other port of the State of Florida as may be approved by the Governor in Council during the period of any contract entered into under this Act, affording not less than forty voyages between the said ports each way during each winter season.

III. The said Henry Morrison Flagler, his heirs, executors, administrators, or assigns, shall at least sixty days before commencing the erection of such hotel notify the Surveyor-General of the colony of the date upon which he intends to commence the same.

IV. The Surveyor-General shall immediately on receipt of such notice cause a notice to be inserted in the Official Gazette, publishing the notice so received from the said Henry Morrison Flagler, his heirs, executors, administrators, or assigns, and from and after the date named in the notice of the said Henry Morrison Flagler, his heirs, executors, administrators, or assigns, as the commencement of such erection all rights to the use of the parts of Bay and Cumberland Streets included in section 6 of the Schedule hereinafter contained as public streets or thoroughfares, shall absolutely cease and determine any length of use or anything in any law to the contrary notwithstanding, and such parts of streets shall from henceforth vest in the said designated assignee of the said Henry Morrison Flagler for the purposes mentioned in this Act.

V. It shall be lawful for the said Henry Morrison Flagler, upon and after the commencement of the erection of the said hotel to be erected on the said barracks property, and until its completion, to remove from

the grounds of Fort Charlotte such quantities of earth as he may require for the purpose of beautifying such hotel grounds. *Provided*, nevertheless, that the privilege hereby given and conferred shall not be exercised in respect of the land lying to the north of the fort and other erections now standing thereon.

Proviso.

VI. The provisions of sections 1, 2, 3 and 9, of Part I. of the Act of Assembly, 36 Victoria, chapter 15, shall not apply to any building or buildings erected by the said Henry Morrison Flagler, his heirs, executors, administrators or assigns, on the said lands vested as aforesaid under the authority of this Act.

Provisions of certain sections of 36 Vic. c. 15. not to apply.

VII. At any time after the coming into operation of this Act the said Henry Morrison Flagler, his heirs, executors, administrators or assigns, shall have the right to build and extend into the harbour of Nassau, to a distance not exceeding two hundred and sixty feet from the northern frontage of the parcel of land hereinbefore referred to as the barracks property, a pier of such construction as may be approved of by the Governor in Council. *Provided* that such pier shall be so constructed as not to interfere with the fairway of the harbour, and *Provided* further that the said pier shall be subject to such regulations of the police as may from time to time be enacted, and that no charge shall be made or imposed for the use of the said pier in respect of any mails, passengers, or freight carried under the provisions of any mail contract entered into under this Act.

Right to build and extend a pier into the harbour of Nassau authorised.

Proviso.

VIII. So much of section six of the Act of Assembly, 37 Victoria, chapter 19, as vests the said Royal Victoria Hotel in the Governor of the colony for the time being, and the members of the Board of Public Works for the Island of New Providence for the time being, and the Act of Assembly, 38 Victoria, chapter 8, and all other Acts or parts of Acts inconsistent with the absolute vesting of all the properties described in the Schedule hereto in the said designated assignee of the said Henry Morrison Flagler or in his heirs are hereby repealed.

Repeals.

IX. During the continuance of any contract entered into under the provisions of this Act, the articles hereafter named shall be exempted upon importation into the colony from the payment of import duties, that is to say :—

Certain articles exempted from the payment of import duties.

All materials whatsoever required for the building of the hotel referred to in Section II. of this Act, or for any future alteration, extension or improvement of the said hotel, and all articles and machinery for the electric lighting or furnishing of both or either of such hotels, or for any alteration, extension or improvement upon the said Royal Victoria hotel, or any future erections on the site of the said Royal Victoria Hotel, or upon lands adjoining thereto and situated in the same block which have been or hereafter may be acquired by the said Henry Morrison Flagler, his heirs, executors, administrators, or assigns, and which shall be used for the purposes of such hotel. All fresh meats or dead poultry and game to be used at such hotel or hotels.

Provided that the person claiming such exemption shall produce to the chief revenue officer upon entry of the same a declaration signed by him before a Justice of the Peace to the effect that the articles so imported are to be used for the purposes named. And if any such articles shall be used or applied to any other purpose than set forth in such declaration, the party making such declaration shall be liable to a penalty of £200, to be recovered at the suit of the Receiver-General and Treasurer.

Proviso.

X. The annual rental of the properties sold under this Act, and of the buildings to be thereon erected, shall not be assessed for the payment of any property tax under the laws of the colony at any sum exceeding £5,000.

Assessment for payment of property tax.

Contract to be entered into.

XI. It shall be lawful for the Governor, acting with the advice of the Executive Council, to cause a contract to be entered into and executed by the Colonial Secretary on behalf of the Government, with the said Henry Morrison Flagler, his heirs, executors, administrators or assigns, for the proper carrying out of the provisions of this Act, and for the performance of the mail, passenger and freight service provided for by this Act for the period of ten years, commencing from the first day of January, 1899, between the port of Nassau and the port of Miami, or such other port in the State of Florida, in the United States of America, as may be approved by the Governor in Council, and the said contract shall provide for the conveyance of mails, passengers, and freight between Nassau and Miami or such other port as aforesaid at rates not exceeding the rates paid under the existing contract for a steam service to Florida.

Subsidy of £3,500 per annum to be paid.

XII. Subject to the proviso of Sub-section 2 of Section II. of this Act, there shall be paid to the said Henry Morrison Flagler, his heirs, executors, administrators or assigns, out of the Public Treasury by warrant in the usual manner, so long as the said service is in all points well and faithfully performed to the satisfaction of the Governor in Council in each of the ten years from the first day of January, in the year of our Lord, 1899, the sum of £3,500.

Renewal of contract.

XIII. If the service under any such mail, passenger and freight contract has been well and faithfully performed to the satisfaction of the Governor in Council, the said Henry Morrison Flagler, his heirs, executors, administrators, and assigns, shall be entitled to have and receive a renewal of such contract for a further period of ten years, but upon the same terms and conditions, and under and subject to the same stipulations as are set out in this Act, save and except the provisions of this section.

Subsidy of £3,500 per annum to be paid for renewed contract.

XIV. Upon such renewed contract being entered into under the last preceding section there shall be paid out of the Public Treasury by warrant in the usual manner during the continuance thereof, so long as the said service is in all points well and faithfully performed, in each of the ten years of such further period a sum of £3,500 per annum.

Vessels exempted from payment of tonnage, light and other port dues.

XV. All vessels engaged in the performance of a mail service under any contract entered into under this Act shall be exempted from the payment of all tonnage, light, and other port dues, including pilotage.

Buoying the Bahama Bank and passages, cost provided for.

XVI. There shall be paid out of the Public Treasury of these islands by warrant in the usual manner to the Governor in Council the sum of £350 to be used in buoying the Bahama Bank and passages as may be required in connection with the mail service to be performed under this Act.

Purchase money for hotel premises to be placed to a special fund.

XVII. When the purchase money for the premises hereby sold is paid into the Public Treasury the Receiver-General and Treasurer shall forthwith place such sum to a special fund to be called the Hotel Fund, which fund shall not be appropriated without the act of the Legislature.

Repeal.

XVIII. The Act of Assembly, 61 Victoria, chapter 1, is hereby repealed.

Schedule.

SCHEDULE.

All that lot of land on which the buildings known as the Royal Victoria Hotel now stand, comprising the two pieces, parcels, or lots of land situated and described as follows, that is to say : —

1. All that piece, parcel, or lot of land situated in the town of Nassau, in the Island of New Providence, and distinguished in the plan of the said town as forming part of lot number sixty-four (No. 64) fronting westwardly on Parliament Street, and running thereon four hundred and twenty-four feet, bounded to the north seventy-seven feet two inches on Shirley Street, and

- seventy-eight feet and a half on another part of said lot number sixty-four (No. 64), to the east four hundred and twenty-two feet on other part of said lot number sixty-four (No. 64), and to the south one hundred and fifty feet on Hill Street.
2. All that piece, parcel, or lot of land situated in the town of Nassau in the Island of New Providence and distinguished in the plan of the said town as forming part of lot number sixty-four (64), fronting east on East Street and running thereon one hundred and ninety-four feet (194) more or less, bounded on the south by Hill Street, one hundred and ninety-nine feet (199) more or less to the west by other part of lot number sixty-four (64), one hundred and eighty-six feet (186) more or less, and on the north by other part of said lot number sixty-four (64), one hundred and ninety-four feet (194) more or less. A plan of which said lots of land and the hotel thereon is deposited in the office of the Surveyor-General of these islands. Together with all buildings, liberties, privileges, and appurtenances whatsoever to the said lands and premises belonging or in any wise appertaining or usually held or occupied therewith.
 3. All that parcel of land situated in the city of Nassau, upon which now stand the buildings known as the Military Barracks fronting to the north on the harbour of Nassau, bounded on the east by a public drain adjoining land belonging to the Honourable William Edward Armbrister, on the south by Bay Street, and on the west by premises now belonging to John Henry Brown.
 4. All that parcel of land situated as aforesaid lying immediately opposite the parcel of land hereinbefore described and known as Fleming Square, bounded on the north by Bay Street, on the east by Cumberland Street, on the south by Marlborough Street, and on the west by a public street without name, less six feet on the said western boundary, to be reserved for the widening of the last-mentioned street.
 5. All that parcel of land situated as aforesaid fronting to the west on Cumberland Street and bounded on the south by King Street, on the east partly by a lane, partly by land belonging to Robert William Henry Weech, and partly by land lately belonging to the late Gracie Ann Taylor, and on the north partly by Bay Street and partly by land belonging to William George Beverley Stevenson and Henry Macaulay Stevenson.
 6. All that part of Bay Street contained in the space between a line drawn from the west side of the lane forming part of the eastern boundary of the parcel of land described in Section 5 of this Schedule straight across to the southern boundary of the parcel of land described in Section 3 of this Schedule, and a line drawn from the south-west corner of the western boundary of the parcel so described in Section 3, and on which stands the barracks straight across to the parcel of land known as Fleming Square and described in Section 4 of this Schedule, and also all that part of Cumberland Street lying between Bay Street and Marlborough Street. Subject to the user and absolute enjoyment by the Government of the public drain now existing and running on the west side of Cumberland Street and connected with the drain referred to in Section 3 of this Schedule.
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No. 9.

62 Vic. c. 9. *An Act further to amend "The Hotel and Steam Service Act, 1898."* (Assented to 20th April, 1899.)

Amends "The Hotel and Steam Service Act, 1898."

I. In reading hereafter the seventh section of "The Hotel and Steam Service Act, 1898," all the words from the word "two" in line 5 to the word "property" in line 7 inclusive shall be omitted and the following words inserted and read in lieu thereof.—

"Seventy-four feet all the northern frontage of the parcel of land hereinbefore referred to as the barracks property and also to build and extend into the said harbour from such extended frontage to a distance not exceeding one hundred and eighty-six feet."

No. 10.

62 Vic. c. 21. *An Act to amend "The Hotel and Steam Service Act, 1898," and to vest in the Florida East Coast Hotel Company a parcel of land subject to certain conditions.* (Assented to 20th April, 1899.)

PREAMBLE.

WHEREAS the Florida East Coast Hotel Company have proposed to surrender to the public a part of the parcel of land vested in that Company by the Hotel and Steam Service Act, 1898, and formerly known as Fleming Square, in consideration of there being vested in the said Company a part of that portion of Bay Street now belonging to the public lying to the north-west of the said square.

And whereas it is desirable to effect such exchange and to legalize the same. May it, &c.

Title.

I. This Act may be cited as "The Hotel and Steam Service Act Amendment Act, 1899," and shall be read with "The Hotel and Steam Service Act, 1898," hereinafter styled the principal Act.

Parcel of land vested in the Florida East Coast Hotel Company.

II. So much of the entire length of that part of Bay Street now belonging to the public lying to the north-west corner of the parcel of land formerly known as Fleming Square, and vested in the Florida East Coast Hotel Company (hereinafter called the said Company) by the principal Act to the extent of six feet in width, shall be and become vested in and held by the said Company in the same manner as the lands vested by the said principal Act and freed from the right of the public to use the same from and after the performance by the said Company of the conditions hereinafter expressed, that is to say :—

Conditions imposed.

- (1) That the said Company do forthwith execute a deed conveying to the Board of Public Works for the Island of New Providence in trust for the public a strip of land running the entire length of the southern side of the parcel of land formerly known as Fleming's Square and of the full width of four feet.
- (2) That the said Company do at its own expense make and convert the property so conveyed into a proper and suitable side walk to the satisfaction of the Surveyor-General and Civil Engineer of the colony.

CLASS XIII.

HOG ISLAND LIGHTHOUSE, POWDER MAGAZINE,
AND LIGHT DUES.

No. 1.

8 Vic. c. 47. *An Act for the better regulation of the Office of Keeper of the Lighthouse at Hog Island, and for other purposes.* (May 14th, 1845.)

II. And be it enacted, that the said lighthouse keeper shall reside at the said lighthouse, and shall take charge of and be responsible for all barometers and other instruments and flags which may be placed under his care, and shall obey, observe, and keep all orders and instructions which he may from time to time receive from the Commissioners of Pilotage respecting the same.

No. 2.

27 Vic. c. 19. *An Act to provide for the Storing of Gunpowder* (Assented to 25th April, 1864.)

WHEREAS the storing of large quantities of powder in the powder magazine at Hog Island is dangerous to the town of Nassau, and it is desirable to make provision by law for the storage of powder in some more remote locality, and for the better regulation of the powder magazine at Hog Island; May it, &c.:

I. That from and after the passing of this Act it shall not be lawful to store in the powder magazine at Hog Island more than one hundred kegs of powder at any one time, nor shall any one person be entitled to store more than ten kegs.

II. That it shall be lawful for the Governor, and he is hereby authorised immediately after the passing of this Act, to cause all powder now in the said magazine, beyond the quantity referred to in the first section of this Act, to be removed therefrom, and by and with the advice of the Executive Council, to select a safe and remote locality, and provide a sufficient store in which thereafter the owners of powder shall have the privilege of storing powder, and the keeper of the powder magazine at Hog Island shall be the keeper of the store so to be provided as aforesaid, and shall receive in addition to the salary now by law attached to the said office a salary at and after the rate of ten pounds per annum, payable monthly, out of the Public Treasury, by warrant, in the usual manner.

III. That it shall not be lawful for any person or persons to keep or store on the Island of New Providence, or on Hog Island, otherwise than at the powder magazine, as hereinbefore is provided for, or within the limits of any town on the Out-islands, any greater quantity of powder than twenty-five pounds, such powder to be kept in a covered tin or copper case, and to have the word "powder" marked thereon; and if any person shall store or keep any greater quantity of powder than as aforesaid, or shall keep any quantity of powder stored except as hereinafter provided for he shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of ten pounds to be recovered before any one of Her Majesty's justices of the peace, or in default of payment to be imprisoned for thirty days: Provided that

PREAMBLE.

Quantity of gunpowder that may be stored in Hog Island magazine.

Provides for removing powder from old magazine, and empowers Governor in Council to furnish another store.

Salary of keeper of powder magazine.

Illegal to keep more than twenty-five pounds of powder within the limits of any town: punishment: military exempt.

Inspector of police to make inquiry as to the quantity of powder kept in shops.

Governor in Council to fix rates at which powder may be stored.

Punishment for breaking the regulations fixed by Governor in Council.

Governor to appoint annually a person to survey the powder kept in the magazine.

Penalty for not providing proper packages for powder.

Expenses of this Act, how payable.

Acts and parts of Acts repealed.

nothing in this Act contained shall be construed to extend to the storing of powder by military or naval authority and the keeping and using thereof for military or naval purposes.

IV. That it shall be the duty of the inspector of police to make or cause inquiries to be made from time to time as to the quantity of gunpowder kept for retail or otherwise in the several shops, stores and warehouses of this city.

V. That it shall be lawful for the Governor in Council to fix the rates at which powder shall be stored in the magazine at Hog Island, and in the store to be provided under the second section of this Act, and also to make all needful orders, regulations, and instructions for the government of the keeper of the powder magazine for the due placing, storing, and removing of the powder now deposited, or hereafter to be deposited and kept in the said magazine and store, and for granting facilities for the lawful prosecution of their business by the owner or owners of such powder.

VI. That for the breach of any such regulations as aforesaid, to be proved before any one of Her Majesty's justices of the peace, it shall and may be lawful for such justice to fine the offender in any sum not exceeding five pounds, to be levied, in default of payment, by warrant, under the hand and seal of such justice, by distress and sale of the offender's goods and chattels, and if no goods and chattels can be found whereon such fine as aforesaid can be levied, then and in such case it shall be lawful for such justice to commit the offender to prison for any term not exceeding twenty days.

VII. That it shall be lawful for the Governor, from time to time, at least once in every year, to cause the powder stored in the powder magazine aforesaid, to be surveyed by a competent person or persons, to be appointed by him for that purpose: and, if upon such survey, any of the kegs or other packages in which any such powder is stowed shall be found to be decayed or otherwise damaged or injured, so as in the opinion of the person or persons so surveying them, to be unfit for the continued stowage of powder, it shall be incumbent on the owner of such powder, upon receiving notice to that effect from the keeper of the said magazine, without delay, to provide other fit and proper packages and to have such powder repacked therein: Provided always that such re-packing shall always take place under the superintendence of the keeper of the said magazine.

VIII. That if the owner of any such powder as aforesaid shall neglect for twenty days after receiving such notice as aforesaid to provide fit and proper packages for the re-packing of any such powder as aforesaid, and to have the same re-packed as aforesaid, it shall be lawful for the Governor, at any time after the expiration of the said period of twenty days, to authorise the keeper of the said magazine to procure fit and proper packages, and to have such powder re-packed therein, and the cost of such packages, and all expenses attending the re-packing of such powder, shall be a charge on the powder in respect of which such charges and expenses were incurred; and if such charges and expenses shall not be fully paid and liquidated by the owner of such powder within ten days after the payment of the same shall have been demanded, such powder, or such portion thereof as may be requisite, shall be sold to defray such charges and expenses.

IX. That all expenses incurred under the authority of this Act, shall be defrayed out of the Public Treasury of these islands by warrant in the usual manner.

X. That the following Acts and parts of Acts shall be and the same are hereby repealed; that is to say, so much of the 6th section 12 Vic. c. 8, as relates to the keeping or storing of gunpowder, the 12 Vic. c. 21, 14 Vic. c. 6, and 16 Vic. c. 7.

No. 3.

38 Vic. c. 23. *An Act to provide for and regulate the levying of Light Dues on Vessels entering the Harbour of Nassau.* (Assented to 16th April, 1875.)

WHEREAS the maintenance of the Hog Island Lighthouse is exclusively for the benefit of vessels using the harbour of Nassau, and it is desirable that the expenses incident thereto should be contributed to by such vessels; May it, &c. ;

PREAMBLE.

I. That from and after the passing of this Act there shall be imposed and levied on all vessels, save and except those hereinafter excepted, arriving at the port of Nassau from any port or place without the limits of the colony, a light duty at and after the rate of three pence for each and every ton of the registered tonnage of such vessels.

Light duty imposed.

II. The duty by this Act imposed shall be collected and the payment thereof enforced under the provisions of the Revenue Consolidated Laws, 1873, and such duties when received shall be applied towards the support of Her Majesty's Government in the colony in the same and the like manner as other general revenue is appropriated and applied.

Payment enforced.

III. The following vessels shall be exempted from the payment of the duty by this Act imposed, viz. :—

Exemptions.

Ships of war.

Vessels employed in the service of the Board of Trade.

Vessels employed under contract with the Bahama Government in the conveyance of mails.

Vessels belonging to the Royal Yacht Squadron.

Vessels exclusively engaged in turtling, sponging or fishing.

Vessels engaged in pleasuring only.

No. 4.

52 Vic. c. 27, Sec. 11.

By this section the Port Officer is constituted *ex officio* keeper of the Powder Magazine.

No. 5.

53 Vic. c. 26. *An Act to amend the Law relating to the levying of Light Dues.* (Assented to 16th May, 1890.)

I. From and after the passing of this Act, the provisions of the Act of Assembly, 38 Victoria, chapter 23, shall not apply to vessels arriving at the port of Nassau which may bring thereto or take therefrom closed mails from and for any port beyond the limits of the colony, although any such vessels may not be under contract to carry mails.

Vessels carrying or bringing closed mails exempt from light dues.

CLASS XIV.

LAWS FOR PROTECTION OF SPONGE FISHERIES AND SEA GARDENS.

No. 1.

46 Vic. c. 1. *An Act for the protection of the Sponge Fisheries within the Bahama Islands.* (Assented to 12th August, 1882.)

Penalty for using a dredge to fish for sponge, and the proceedings to be taken against offending person.

I. Every person who shall, after the passing of this Act, either himself or by his agents or servants, fish for or gather (or attempt to fish for or gather) sponge in the waters of the Bahama Islands by means of a dredge, or other machine capable of being used as such, shall be liable to a penalty of twenty pounds, to be recovered before any one of Her Majesty's Justices of the Peace for the said islands, and all proceedings to be taken and adopted against any person offending against this section, shall be in accordance with the provisions of the Act of Assembly 12 Victoria, chapter 10.

Justice may order destruction of dredge.

II. In addition to the pecuniary penalty imposed by the foregoing section, it shall be lawful for the Justice, before whom the charge for the offence created by such section is laid and proved, to order the seizure and destruction of the dredge, or other machine, for the using of which such penalty shall have been imposed, and to issue all necessary warrants for the proper carrying into effect any order so made by him.

Protection of constables.

III. Any constable entrusted with the execution of a warrant issued under the second section of this Act, shall have the right to enter into and upon any yard, bay-lot, premises, or any other place, or on board of any vessel or boat, in or upon which any dredge or other machine so ordered to be seized and destroyed may be, and such constable, and all persons aiding and assisting him in the execution of such warrant, shall be entitled to the same protection now by law given to constables in the performance of their duties.

Right of appeal.

IV. In all cases of summary conviction under this Act, the party or parties convicted shall have the right to appeal against such conviction to the General Court at Nassau, according to the provisions of any Act or Acts of Assembly passed, or hereafter to be passed, for regulating appeals in cases of summary conviction.*

No. 2.

55 Vic. c. 22. *An Act for the protection of the "Sea Gardens."* (Assented to 8th April, 1892.)

Unlawful to dredge for or remove coral from sea gardens.

I. It shall not be lawful for any person to dredge for, remove or take away by any means whatsoever, from the bottom of the sea between Hog Island and Athol Island, any coral, sea fan, or other marine product thereupon growing, lying, or being.

Penalty.

II. Any person violating the preceding section shall, upon conviction thereof, be liable to a penalty not exceeding five pounds, or to be imprisoned for any period not exceeding thirty days.

* See 60 Vic. c. 30, *post*, No. 3 of this Class.

III. All proceedings under this Act for a breach thereof shall be taken before a Justice of the Peace according to the provisions of the "Summary Jurisdiction Acts."

Breaches how
dealt with.

No. 3.

60 Vic. c. 30. *An Act to amend the Act 46 Victoria, Chapter 1, entitled, "An Act for the protection of the Sponge Fisheries within the Bahama Islands."* (Assented to 20th May, 1897.)

I. This Act may be cited for all purposes as "The Sponge Fisheries Protection Act Amendment Act, 1897." Short title.

II. Where the words "principal Act" are used in this Act, they shall be held to mean and refer to the Act of Assembly, forty-six Victoria, chapter one. Meaning of
"principal Act."

III. In reading hereafter the principal Act, the words "diving apparatus" shall be inserted and read after the word "dredge" wherever such last-mentioned word appears in such Act. Amends.

IV. Notwithstanding anything contained in the principal Act and this Act to the contrary, it shall be lawful for the Governor acting by and with the advice of the Council, to grant permission in writing to any person to use a diving apparatus or other machine capable of being used as such for the taking of sponges for scientific investigation only and under such conditions as may be laid down in such permit. Diving apparatus
may be used.

CLASS XV.

LOCAL OPTION.

No. 1.

58 Vic. c. 13. *An Act to rectify the Boundaries of the Districts in the Island of Exuma created for the purposes of Local Option.* (Assented to 26th April, 1895.)

I. On the passing of this Act it shall be lawful for the Governor by Order in Council to do the following things:— Governor by
Order in Council
may change
boundaries of
districts in Exu-
ma created for
purposes of local
option.

(a.) To revoke so much of the Order in Council issued on the 16th day of August, A.D. 1882, as declares the division of the Island of Exuma into districts for the purposes of the Act of Assembly 45 Victoria, chapter 2.

(b.) To declare by Order in Council the division of the said island into the following districts, for the purposes of the said Act.

No. 1 District.—The Island of Little Exuma.

No. 2 District.—All that part of the Island of Great Exuma, including Moss Town, George Town, and all Settlements eastwardly up to the Ferry.

No. 3 District.—All that part of the Island of Great Exuma lying westwardly of Moss Town and George Town.

II. The Order in Council made under this Act shall be published in the official newspaper, and from and after such publication the districts set forth in such Order shall be deemed to be the districts of the said Island of Exuma for the purposes of the Act of Assembly, 45 Victoria, chapter 2. Order in Council
to be published.

No. 2.

59 Vic. c. 4. *An Act to rectify and define the Boundaries of the District of Andros Island, created for the purposes of Local Option.* (Assented to 20th March, 1896.)

Title.

I. This Act may be cited for all purposes as "The Local Option Boundary Act, 1896," for Andros Island.

Governor by Order in Council may change boundaries of district of Andros Island created for purposes of local option.

II. On the passing of this Act it shall be lawful for the Governor, acting by and with the advice of the Executive Council, by Order in Council, to do the following things :—

(a.) To revoke so much of the Order in Council issued on the 16th day of August, A.D. 1882, as declares the division of Andros Islands into districts, for the purposes of the Act of Assembly, 45 Victoria, chapter 2.

(b.) To declare the division of the said island into the following districts for the purposes of the said Act :—

No. 1 District.—Nicholls Town.

No. 2 District.—Fresh Creek and Staniard Creek.

No. 3 District.—Mangrove Cay and Golding Cay.

No. 4 District.—Long Bay Cay and Deep Creek.

Order in Council to be published in Official Gazette.

III. The Order in Council made under this Act shall be published in the Official Gazette, and from and after such publication the districts named in the second section of this Act, and set forth in such Order shall be deemed to be the districts of Andros Island, for the purposes of the Act of Assembly, 45 Victoria, chapter 2, as if the same had been originally created thereunder.

No. 3.

62 Vic. c. 32. *"The Liquor Act, 1899."*

Districts.

IV. It shall be lawful for the Governor in Council to divide the colony for the purposes of this Act into districts, and from time to time to alter such districts.

Proviso.

Provided always that the districts in existence at the commencement of this Act shall, until altered as aforesaid, continue to be districts, and be deemed to be constituted under this Act.

Prohibitive Order.

V. Subject to the provisions of this Act, and to rules of procedure in the first Schedule hereto, it shall be lawful for the Governor in Council by Order to declare that no general or special licence shall be issued to any person in a specified district.

Proviso.

Provided always that where at the commencement of this Act an Order in Council bringing into force in any district the 12th section of the Act of the Legislature, 45 Victoria, chapter 2, has been made and has not been revoked, such Order shall be deemed to be a prohibitive Order, and to have been made under this Act.

Continuance of.

VI. An Order made under the last preceding section shall remain in force for three years from the day of its coming into force ; and thereafter shall continue in force until the same is revoked.

Proviso.

Provided always that nothing in this section shall be deemed to extend the limitation of any Order in Council in existence at the commencement of this Act.

Revocation of.

VII. Subject to the provisions of this Act, a prohibitive Order shall be revoked by the Order of the Governor in Council under the rules of procedure set forth in the first Schedule to this Act.

VIII. It shall be lawful for the Governor in Council to make regulations for the following purposes, that is to say :—

Power to make regulations.

- (a.) The appointment of persons to take polls and make returns as mentioned in the first Schedule hereto.
- (b.) The manner in which polls are to be taken and returns made as mentioned in the said first Schedule.
- (c.) The charges and expenses of taking such polls and making such returns as aforesaid.
- (d.) The proper carrying into effect of all the provisions of this Act.

SCHEDULE I.

The following are the rules of procedure referred to in sections 5 and 7 of this Act :—

TO PROCURE A PROHIBITIVE ORDER.

I. A petition signed by not less than one-fourth of the electors residing in any district may be presented to the Governor in Council praying that a prohibitive Order be made for such district.

Petition.

II. On the Governor in Council being satisfied that the petition is in accordance with the preceding rule, an Order in Council shall be made and be inserted in not less than three successive issues of the Official Gazette, reciting that a petition has been duly presented, and declaring that on a certain day a poll will be held for taking the votes of the electors in the district for or against the petition.

Order for polling.

III. On the day appointed as aforesaid a poll shall be taken as aforesaid, and the returning officer shall without delay make a return to the Governor in Council showing the result of such polling.

Poll and return.

IV. If a majority of the votes polled is in favour of the petition, the Governor in Council shall, within ten days of the return being received, make a prohibitive Order applying to such district as aforesaid.

Prohibition Order.

V. The prohibitive Order shall be published in the Official Gazette, and shall take effect on publication.

Publication.

TO PROCURE THE REVOCATION OF A PROHIBITIVE ORDER.

VI. The same procedure as is prescribed for the procuring of a prohibitive Order shall apply to the procuring the revocation of the same. Save only that the petition shall pray for the revocation of the Order, and that the poll shall be held to take the votes for or against such revocation: and that in case the majority of votes polled is in favour of such revocation, the Order in Council made and published shall be an Order revoking such prohibitive Order.

Same procedure *mutatis mutandis*.

GENERALLY.

VII. Where the majority of the votes polled is not in favour of either of such petitions as aforesaid, it shall not be lawful for any similar petition to be presented from the same district with a similar object till the expiration of twelve months from the date of the return showing that such petition has been rejected.

No second petition within a year.

CLASS XVI.

LAW REGULATING THE SALE OF LIQUORS.

No. 1.

62 Vic. c. 32. *An Act to consolidate and amend the Laws of the Colony relating to the Sale of Intoxicating Liquor.* (Assented to 20th May, 1899.)

Short title and commencement.

I. This Act may be cited as "The Liquor Act, 1899," and shall commence and come into operation on a day to be named by the Governor.*

Repeal.

II. The Acts set forth in the third Schedule hereto are hereby repealed.

Saving for existing licences.

Provided that all licences not expired at the commencement of this Act which have been issued under any of the Acts repealed by this Act shall continue in force until their expiration, and shall be deemed to have been issued under this Act, and such licences may be renewed for such part of a year as will expire on the 31st day of March succeeding the date of renewal, upon the payment therefor of a proportionate part of the sum payable under this Act for a year, according to the length of time for which such licences may be issued.

Saving as to purchasers at auction in 1898.

Provided also that every person who at the commencement of this Act is the holder of a right to hold a licence obtained at auction in the year 1898 and had declared his intention at the time of such auction to retain the right purchased for the period of three years, and duly made all lawful payments in respect to such right on or before the 1st day of June, 1899, and shall also duly make all lawful payments in respect of the same on or before the 1st day of June, 1900, shall unless otherwise disqualified be entitled as of right to have issued to him without further payment or proof a general licence under this Act, commencing on the 1st day of July, 1900.

General saving.

Provided further that this section shall not affect any right or privilege acquired or any liability incurred, or any prosecution pending or the enforcing of any penalty, forfeiture, or imprisonment incurred or suffered by any person prior to the commencement of this Act.

Interpretation clause.

III. The following expressions shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them:—

"Deputy" means, in New Providence, any officer of the police or constabulary force above the rank of corporal specially and from time to time and each time authorised in writing by a police authority to act on his behalf.

And in an Out-island means the peace officer in charge of a district specially and from time to time and each time authorised in writing by the police authority to act on his behalf.

"District" means any part of the colony constituted a district under section 4 of this Act, and includes any district in existence at the commencement of this Act and constituted under any Act repealed by this Act.

"Electors" means all such residents in any district who are for the time being entitled to vote for the election of a member or members of Assembly for the constituency of which each district forms a part.

"Intoxicating liquor" includes spirits, wine, ale, beer, stout, porter, cider, perry, and any fermented or distilled liquor.

"Licence" means a licence for the sale of intoxicating liquor issued under this Act.

* Came into operation 1st day of June, 1899.

"Licensed person" means a person holding any licence under this Act.

"New Providence" shall be taken to include any of the islands and cays situated within 20 miles of such island.

"Peace officer" means a constable or any officer or member of the police or constabulary force or any other person lawfully authorised to discharge police duties.

"Police authority" means the person lawfully performing the duties of commandant of police.

And in an Out-island district means the resident or assistant resident Justice.

"Premises" means any building or place where intoxicating liquor is sold and includes any dwelling-house, shop, out-house, or out-building, tent or booth adjoining or contiguous thereto or occupied therewith; and also includes any vessel in any harbour or at any wharf or within the territorial waters of the colony.

"Prohibitive Order" means an Order in Council made under section 5 of this Act.

"Servant" includes clerk or any person temporarily or otherwise employed, and either with or without wages.

"Spirits" means every description of brandy, gin, whisky, rum and cordials, whether mixed with any other fluid or unmixed, but does not include wine, cider, ale, beer, or other malt liquors.

LOCAL OPTION.

IV. It shall be lawful for the Governor in Council to divide the colony for the purposes of this Act into districts, and from time to time to alter such districts. Districts.

Provided always that the districts in existence at the commencement of this Act shall, until altered as aforesaid, continue to be districts, and be deemed to be constituted under this Act. Proviso.

V. Subject to the provisions of this Act and to rules of procedure in the 1st Schedule hereto, it shall be lawful for the Governor in Council by Order to declare that no general or special licence shall be issued to any person in a specified district. Prohibitive Order.

Provided always that where at the commencement of this Act an Order in Council bringing into force in any district the 12th section of the Act of the Legislature, 45 Victoria, chapter 2, has been made and has not been revoked, such Order shall be deemed to be a prohibitive Order and to have been made under this Act. Proviso.

VI. An Order made under the last preceding section shall remain in force for three years from the day of its coming into force; and thereafter shall continue in force until the same is revoked. Continuance of.

Provided always that nothing in this section shall be deemed to extend the limitation of any Order in Council in existence at the commencement of this Act. Proviso.

VII. Subject to the provisions of this Act, a prohibitive Order shall be revoked by the Order of the Governor in Council under the rules of procedure set forth in the 1st Schedule to this Act. Revocation of.

VIII. It shall be lawful for the Governor in Council to make regulations for the following purposes, that is to say:— Power to make regulations.

- (a.) The appointment of persons to take polls and make returns, as mentioned in the 1st Schedule hereto.
- (b.) The manner in which polls are to be taken and returns made, as mentioned in the said 1st Schedule.
- (c.) The charges and expenses of taking such polls and making such returns as aforesaid.
- (d.) The proper carrying into effect of all the provisions of this Act.

LICENCES, LICENSING AND THE OBLIGATIONS OF LICENSED PERSONS.

When lawful to sell liquor.

IX. It shall be unlawful to sell any intoxicating liquor within the colony and the territorial waters thereof, except under a licence as prescribed by this Act.

Licences.

X. Licences shall be of four kinds in New Providence :—

- (a.) *A General Licence* for the sale by wholesale and retail of all intoxicating liquors.
- (b.) *A Special Licence* for the sale by wholesale and retail of all intoxicating liquors other than spirits.
- (c.) *A Wholesale Licence* for the sale by wholesale only of all spirits and of liquors when in bottles as originally imported, and by retail of wine, cider, ale, beer, or other malt liquors.
- (d.) *A Hotel Licence* for the sale of all intoxicating liquors at any hotel or boarding-house to be consumed only upon the premises of such hotel or boarding-house.

And of three kinds in the Out-islands :—

- (a.) *A General Licence* for the sale by wholesale and retail of all intoxicating liquors.
- (b.) *A Wholesale Licence* for the sale by wholesale only of all spirits, and by retail of wine, cider, ale, beer or other malt liquors.
- (c.) *A Hotel Licence* for the sale of all intoxicating liquors at any hotel or boarding-house to be consumed only upon the premises of such hotel or boarding-house.

Discretion in licensing authority as to number of licences.

XI. The licensing authority established under this act shall issue in the various districts of the colony such licences as they may think proper, and subject to the conditions expressed in the next section.

Proviso.

Provided also that no general or special licence shall be issued in any district where a prohibitive order is in force.

Conditions governing the granting of licences.

XII. The following conditions shall be observed with respect to the issue of all licences :—

- (a.) No person shall at one time hold more than one general or special licence.
- (b.) Every general and special licence shall be granted in respect of certain specified premises.
- (c.) Every licence shall, subject to the proviso hereinafter stated, remain in force for one year and no longer, and shall be granted to take effect from the 31st day of March in each year, save and except such licences as may be renewed for a portion of the year under sections 2 and 24 of this Act.
- (d.) Except as provided by this Act a licence shall not be transferable.
- (e.) No general licence shall be issued in any district where the premises in which the applicant proposes to carry on business are situated at a less distance than 100 yards from any other premises of a similar character.
- (f.) No licence shall be issued to any person who is under the age of 21 years, or to any person who has been convicted of a second offence under this Act, or to any person who has been convicted of felony.

Provided always that general licences may be issued at any of the islands and cays situate within 20 miles of the Island of New Providence for a year, or any part of a year not less than three months, and in such case where a licence is issued for less than a year, the person obtaining the licence shall pay therefor a proportionate part of the sum payable for a year, as set forth in section 16 of this Act, according to the length of

time for which such licence is issued. Provided also that where a licence is issued at any time during any month, the whole of such month shall be included in calculating the amount to be paid for such licence.

XIII. All licences shall be granted by the licensing authority.

The licensing authority in New Providence shall consist of the Receiver-General, the two Stipendiary Magistrates, and two Justices of the Peace who are not in receipt of any emolument from the Crown, to be nominated annually by the Governor, three of whom, including one of the said Justices of the Peace, shall be a quorum to transact business. And in any Out-island of the Resident or Assistant Resident Justice.

All licences granted by licensing authority.

Provided always, that the granting or refusing of a licence by a Resident or Assistant Resident Justice shall be subject to confirmation by the licensing authority in New Providence.

Proviso.

XIV. The licensing authority shall sit to receive applications for licences, and for the purpose of dealing with licences granted or refused in any of the Out-islands, at such times and place as shall be notified by the Colonial Secretary in the Official Gazette of the colony, and may adjourn the hearing of any application for further consideration and inquiry.

Licensing authority, when to sit.

Before granting any licence, the licensing authority shall be satisfied that the applicant is a fit and proper person to be entrusted to sell intoxicating liquors, and that no reasonable objections exist to his being licensed. And that the premises where he proposes to carry on his business are constructed and situated in accordance with the provisions of this Act.

XV. The licensing authority in an Out-island on deciding to grant or refuse a licence shall forthwith forward to the Colonial Secretary a copy of all proceedings had before him for submission to the licensing authority in New Providence, and if the licence is granted the Resident or Assistant Resident Justice shall be notified to that effect and directed to issue the licence.

Confirmation of Out-island licences.

XVI. Upon the licensing authority in New Providence deciding to grant any licence, the applicant shall without delay attend at the Treasury, and shall pay to the treasurer the sums payable by him according to the scale set forth hereunder, and thereupon the Receiver-General shall issue to him the proper licence, according to the form set forth in the second Schedule hereto.

Treasurer to issue licences in New Providence.

The scale above referred to is as follows :

A GENERAL LICENCE.

No. 1 District	..	..	..	..	..	£10.
No. 2 District	..	..	..	..	..	£25.
No. 3 District	..	..	..	..	..	£50.
No. 7 District	..	..	..	..	..	£50.
No. 8 District	..	..	..	..	..	£50.
At any of the islands and cays situate within 20 miles of the Island of New Providence	£20.

A WHOLESALE LICENCE.

In the Island of New Providence	£20.
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A HOTEL LICENCE.

In the Island of New Providence	£20.
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A SPECIAL LICENCE.

In the Island of New Providence	£2.
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Resident Justice
to issue licences
in Out-islands.

Provided always, that it shall be lawful for the Governor in Council if it shall be deemed expedient at any time to alter or amend such scale of charges, and hereafter by Order in Council to fix a charge or scale of charges in any district or districts where a prohibitive Order shall have been revoked in accordance with the provisions of this Act.

XVII. Upon the Resident or Assistant Resident Justice in an Out-land being informed as aforesaid that the licensing authority in New Providence has decided to grant a licence, such Resident or Assistant Resident Justice shall notify the applicant, who shall forthwith attend on the Resident or Assistant Resident Justice and pay to him the sums payable according to the scale set forth hereunder, and thereupon the Resident or Assistant Resident Justice shall issue to him the proper licence according to the form set forth as aforesaid.

The scale above referred to is as follows:—

A general licence in an Out-land	..	..	..	£5.
A wholesale licence in an Out-land	..	..	..	£5.
A hotel licence	..	..	..	£5.

Transfer of
licences.

XVIII. Where the holder of any licence dies or becomes of unsound mind before the expiration of such licence, it shall be lawful for the Governor to order that such licence be transferred in New Providence to the executor or administrator, or to the widow or son of the deceased licensee, or to the wife or son of a licensee who has become of unsound mind, and in an Out-land to any other person.

Proviso.

Provided that it is satisfactorily shown that the person to whom a licence is sought to be transferred is a fit and proper person to be entrusted to sell intoxicating liquor, and that no reasonable objection exists to his being licensed, and that the premises where the business is being carried on are constructed and situated in accordance with the provisions of this Act.

Transfer to be
endorsed on
licence.

And such transfer shall be endorsed on the original licence by the Receiver-General in New Providence, and by the Resident or Assistant Resident Justice on an Out-land.

Name of licensee
to be put over
liquor shop.

XIX. Every person holding a general or special licence shall exhibit and keep exhibited in a conspicuous place over the outer entrance of the premises his full name, and also the words "Licensed to retail spirits," or "Licensed to retail wine and beer," as the case may be. And such name and words shall be in large and legible letters, the character of which shall be subject to the approval of police authority.

Hours of closing.

XX. No licensed person other than the holder of a hotel licence within the meaning of section 32 of this Act shall sell or otherwise dispose of any intoxicating liquor on Sunday or before 5 o'clock a.m. or after 9 o'clock p.m. on any week day.

No door or win-
dow to be left
open during
hours of closing.

XXI. No shop or place other than a hotel in which intoxicating liquor may be lawfully sold, nor any door or window thereof shall be opened or kept open, nor shall any person be or remain therein except during the hours herein prescribed for selling such liquor as aforesaid.

Proviso.

Provided, however, that this section shall not be construed to apply to any building or premises in the city of Nassau which may be open between the hours of 6 a.m. and 10 a.m. on Sundays for the purpose of supplying ice under contract with the Government.

No communica-
tion with other
building.

XXII. No shop or place in which intoxicating liquor may be sold under a general licence shall be constructed so as to have any means of communication with any other room or building.

No person under
18 to be em-
ployed.

XXIII. No person holding a general or special licence shall employ in any capacity whatever in any shop or place where intoxicating liquor may be lawfully sold any person under the age of 18 years.

Issue of whole-
sale and hotel
licences.

XXIV. A wholesale licence and an hotel licence may be issued at any time, and shall continue in force for one year only from the date of

issue. Provided that when any such licence shall not expire on the 31st day of March, it may be renewed for such part of a year as will expire on the 31st day of March succeeding the date of renewal on payment of a proportionate part of the sum payable under this Act for a year in accordance with the provisions of the second section of this Act.

XXV. A hotel licence may be issued to any person keeping a hotel or boarding house, and notwithstanding anything in the provisions of this Act may be issued in a district where a prohibitive Order is in force. Hotel licences
whom issued.

XXVI. A person holding a wholesale licence may sell any quantity of spirits not being less than one reputed quart and liqueurs in such quantities as are contained in the bottles in which they are originally imported. Such reputed quart to be contained in a bottle, corked and sealed or capsuled, and to have affixed thereon a printed label showing the description of spirits therein, and shall also have the right under such wholesale licence to sell wine, cider, ale, beer, or other malt liquors which may be drunk upon the premises without taking out a special licence under this Act. Definition of
wholesale.

XXVII. The Receiver-General shall keep a register of all licences granted under this Act, and shall publish a Schedule of the same once in every year in the Official Gazette. Receiver-General
to keep a register
of licences.

And every magistrate shall make a quarterly return to the Receiver-General of all convictions for offences committed against this Act, and the Receiver-General shall note the same in his register.

PENALTIES AND POLICE REGULATIONS.

XXVIII. Any person not holding a general licence, who either personally or by a servant or other person on his behalf sells by retail or otherwise disposes of to any other person any spirits shall, on summary conviction, be liable for the first offence to pay a penalty not exceeding £50; and for every subsequent offence to be imprisoned and kept to hard labour for any period not exceeding six months. Penalty for sell-
ing spirits with-
out general
licence.

XXIX. Any person not holding a general, special, or wholesale licence, who either personally or by a servant or other person on his behalf sells or otherwise disposes of any intoxicating liquor other than spirits shall, on summary conviction, be liable for the first offence to pay a penalty not exceeding £10, and for every subsequent offence to be imprisoned and kept to hard labour for a period not exceeding one month. Penalty for sell-
ing wine and beer
without a licence.

XXX. Any person not holding a licence entitling him to sell by wholesale spirits or other intoxicating liquor, as the case may be, who either personally or by a servant or other person on his behalf sells or otherwise disposes of to any other person spirits or other intoxicating liquor, as the case may be, shall, on summary conviction, be liable for the first offence to pay a penalty not exceeding £20, and for every subsequent offence to be imprisoned and kept to hard labour for a period not exceeding one month. Penalty for sell-
ing wholesale
when not duly
licensed.

XXXI. Any person holding a wholesale licence only, who either personally or by his servant or other person on his behalf suffers any other person to whom he has sold or disposed of any spirits by wholesale to drink such spirits or any part thereof on the premises shall, on summary conviction, be liable for the first offence to pay a penalty not exceeding £10, and for every subsequent offence a penalty not exceeding £20. Penalty on
holder of whole-
sale licence suf-
fering customers
to drink spirits
on premises.

XXXII. Any person holding a hotel licence only, who either personally or by a servant or other person on his behalf sells or disposes of any intoxicating liquor to any person other than a guest or to a person residing within the hotel or boarding house so kept by him shall, on summary conviction, be liable for every such offence to pay a penalty not exceeding £50. Penalty on hotel
keeper for selling
to outsider.

Penalty for.

XXXIII. Any licensed person guilty of any of the offences herein-after set forth shall, on summary conviction, be liable for a first offence to pay a penalty not exceeding £10, and for every subsequent offence to be imprisoned and kept to hard labour for a period not exceeding two months, or to pay a penalty not exceeding £20, that is to say:—

Harbouring police.

(a.) Either by himself or his servant harbours or entertains or sells to any peace officer, or treats him to any intoxicating liquor during the time such peace officer is on duty; or during such time without reasonable excuse detains or suffers such peace officer to remain or abide on his premises.

Refusing to admit police on duty.

(b.) Either by himself or his servant refuses or fails to admit to his premises on demand any peace officer when in the execution of his duty, or obstructs, hinders, misleads, or assaults any such peace officer when in the execution of his duty.

Refusing to produce licence.

(c.) Refuses to produce on demand his licence to any peace officer when in the execution of his duty.

Harbouring seamen.

(d.) Either by himself or his servant harbours or conceals any seaman being at the time under agreement to serve on board any vessel belonging to or having arrived at any port in the colony, or entices or encourages any such seaman to leave or desert from his vessel, or is knowingly instrumental thereto.

Keeping a brothel.

(e.) Either by himself or his servant permits his premises to be or to be used as a brothel.

Penalties for permitting drunkenness or disorderly conduct.

XXXIV. Any licensed person guilty of any of the offences herein-after set forth shall, on summary conviction, be liable for a first offence to pay a penalty not exceeding £5, and for every subsequent offence to pay a penalty not exceeding £10. That is to say, any licensed person who, either personally or by his servant,—

(a.) Sells any intoxicating liquor to any person who is under the age of 16 years.

(b.) Sells any intoxicating liquor to any drunken person.

(c.) Suffers any drunken person to remain on the premises.

(d.) Suffers any gambling or game of chance to take place or to be played on the premises.

(e.) Suffers his premises to be the habitual resort of notorious bad characters, thieves, or prostitutes, or allows any such person to remain on his premises longer than is necessary for the obtaining of reasonable refreshment.

Penalties for offences not prescribed for.

XXXV. Where no penalty has hereinbefore been prescribed for the committing of any breach of, or the failing to comply with the provisions of this Act in respect of any premises where intoxicating liquor is sold, any person committing any breach of, or failing to comply with any of such provisions as aforesaid, shall be liable, on summary conviction, to pay a penalty not exceeding £5.

A moiety of penalty to be paid to informer.

XXXVI. All monies recovered by virtue of any penalty imposed by this Act shall be divided, and one-half thereof paid into the Public Treasury, and the other half thereof paid to the person or persons who shall give the information leading to the conviction of the offender.

Saving as to sale of alcohol.

XXXVII. Nothing in this Act shall be construed to require any person selling pure alcohol in a drug store to take out a licence.

And as to hotel keepers.

And sections 38, 39, 40, and 41 of this Act shall not apply to the holder of a hotel licence.

Police may enter liquor shops.

XXXVIII. Any peace officer when on duty may, for the purpose of preventing or detecting the violation of any of the provisions of this Act, at all times enter the premises where any licensed person carries on business, and may remain on such premises for so long as is necessary for the carrying out of his duty.

XXXIX. It shall be lawful for the police authority whenever there is reasonable cause to suspect that intoxicating liquor is being sold or kept for sale in violation of the provisions of this Act on any premises, to enter, and if need be by force, such premises, either personally or by his deputy, and to search such premises for intoxicating liquor, and to seize and to remove all such liquor as may be found therein which there is reasonable ground to believe is in such place for the purpose of unlawful sale; as well as the vessel containing such liquor.

Police authority
may search
liquor shops.

And in the event of the occupier of such premises being convicted under the provisions of this Act, the liquor so seized as aforesaid, and the vessels containing the same, shall be forfeited.

XL. When any seizure is made under the provisions of this Act the police authority shall cause a complaint to be laid before a magistrate against the occupier of the premises, where such liquor, as aforesaid, is found, and unless such person satisfies the magistrate that the same was in his possession for a lawful purpose, he shall on summary conviction be liable for a first offence to a penalty not exceeding £20, and for every subsequent offence to be imprisoned and kept to hard labour for any period not exceeding 30 days, and such liquor and the vessels containing the same shall be forfeited. And if the occupier of such premises cannot be found, then against any person who was found in charge of such premises at the time of such seizure as aforesaid.

On seizure
charge to be
made.

XLI. All intoxicating liquor declared by this Act to be forfeited, and the vessels containing the same, shall be sold by order of the convicting magistrate in such manner and form as he shall direct.

Sale of con-
demned liquor.

XLII. The proceeds arising from such sales as aforesaid shall be paid into the Public Treasury. And it shall be lawful for the Governor in Council, on the recommendation of the police authority, in any case to direct that a sum equivalent to not more than half of any such proceeds as aforesaid be paid out of the Public Treasury to the peace officer or peace officers effecting the seizure.

Disposition of
proceeds of sale.

XLIII. Any magistrate in any place where any riot or tumult happens or is expected to happen, may order every licensed person in or near the place where such riot or tumult happens or is expected to happen to close his premises during such time as the magistrate may order. And any person who keeps open his premises during any time during which the magistrate has ordered them to be closed shall be liable to pay a penalty not exceeding £20, and it shall be lawful for any person acting by order of any magistrate to use such force as may be necessary for the purpose of closing the premises.

Power to close
liquor shops in
case of riot.

XLIV. It shall be lawful for the Governor in Council, by warrant in the usual way, to defray out of the Public Treasury all necessary expenses incurred under this Act.

Defraying of
expense.

XLV. Wherever in any Act of Assembly any reference is made to "The Liquor Act, 1875," or "The Liquor Act, 1891," or the liquor laws of the colony generally, it shall be held and construed to mean this Act.

SCHEDULE I.

The following are the rules of procedure referred to in sections 5 and 7 of this Act:—

TO PROCURE A PROHIBITIVE ORDER.

1. A petition signed by not less than one-fourth of the electors residing in any district may be presented to the Governor in Council praying that a prohibitive order be made for such district.

Petition.

2. On the Governor in Council being satisfied that the petition is in accordance with the preceding rule, an Order in Council shall be made

Order for polling.

and be inserted in not less than three successive issues of the Official Gazette reciting that a petition has been duly presented, and declaring that on a certain day a poll will be held for taking the votes of the electors in the district for or against the petition.

Poll and return.

3. On the day appointed as aforesaid, a poll shall be taken as aforesaid, and the returning officer shall without delay make a return to the Governor in Council showing the result of such polling.

Prohibition order.

4. If a majority of the votes polled is in favour of the petition, the Governor in Council shall within ten days of the return being received, make a prohibitive Order applying to such district as aforesaid.

Publication.

5. The prohibitive Order shall be published in the Official Gazette and shall take effect on publication.

TO PROCURE THE REVOCATION OF A PROHIBITIVE ORDER.

Same procedure *mutatis mutandis*.

6. The same procedure as is prescribed for the procuring of a prohibitive Order shall apply to the procuring the revocation of the same. Save only that the petition shall pray for the revocation of the Order, and that the poll shall be held to take the votes for or against such revocation: and that in case the majority of votes polled is in favour of such revocation, the Order in Council made and published shall be an Order revoking such prohibitive Order.

GENERALLY.

No second petition within a year.

7. Where the majority of the votes polled is not in favour of either of such petitions as aforesaid, it shall not be lawful for any similar petition to be presented from the same district with a similar object till the expiration of twelve months from the date of the return, showing that such petition has been rejected.

SCHEDULE II.

FORM OF A GENERAL OR SPECIAL LICENCE.

This licence issued pursuant to the grant made by the licensing authority for (New Providence or for the Island of _____) (as the case may be) on the _____ day of _____ 189____ (and in the case of an Out-island add the words confirmed by the licensing authority in New Providence on the _____ day of _____ 189____) authorises A. B. of _____ at a shop situated in _____ street in _____ (as the case may be) to sell by wholesale or retail all intoxicating liquors (or all intoxicating liquors other than spirits as the case may be) to be consumed either on or off the premises subject to the provisions of "The Liquor Act, 1899."

The premises in respect of which this licence is granted shall be closed during the whole of Sunday, and between the hours of 9 p.m. and 5 a.m. on week days.

This licence is in force from the _____ day of _____ 18____ till the _____ day of _____ 18____.

(Signed)

Receiver-General
or

Resident Justice

or

Assistant Resident Justice.
(as the case may be).

Dated the _____ day of _____ 189____.

FORM OF WHOLESALE LICENCE.

This licence is to authorise _____ of _____ in the Island
of _____ to sell by wholesale only all spirits not to be consumed on
the premises, and to sell by wholesale or retail wine, cider, ale, beer, or
other malt liquors subject to the provisions of "The Liquor Act, 1899."

This licence is in force from the _____ day of _____ 189
till the _____ day of _____ 189 .

(Signed)

Receiver General

or

Resident Justice

or

Assistant Resident Justice

(as the case may be).

Dated the

day of

18 .

FORM OF HOTEL LICENCE.

This licence is to authorise _____ of _____ in the Island
of _____ hotel keeper (or boarding house keeper as the case may
be) to sell all intoxicating liquors to be consumed on the premises
occupied or used by him in _____ Street in the Island of _____ as
a hotel (or boarding house as the case may be) and known by the
name of (here insert the name of the hotel or boarding house) subject to
the provisions of "The Liquor Act, 1899."

This licence is in force from the _____ day of _____ 189 till
the _____ day of _____ 18 .

No liquor may be sold under this licence to any person other than
a guest or person residing within the hotel (or boarding house as the
case may be).

(Signed)

Receiver-General.

or

Resident Justice

or

Assistant Resident Justice.

Dated the

day of

18 .

SCHEDULE III.

Session and Chapter.	Title.	Extent of Repeal.
45 Vic. c. 2. ...	An Act to amend "The Liquor Act, 1875"	The whole Act.
47 Vic. c. 5. ...	An Act to authorise the issuing of licences for the sale of liquors in hotels and boarding houses.	The whole Act.
54 Vic. c. 18. ...	An Act to amend the laws regulating the sale of intoxicating liquors, and for other purposes.	The whole Act.
55 Vic. c. 7. ...	An Act to amend the laws relating to the sale of liquors.	The whole Act.
56 Vic. c. 5. ...	An Act further to amend "The Liquor Act, 1891."	The whole Act.
57 Vic. c. 12. ...	An Act further to amend "The Liquor Act, 1891."	The whole Act.
58 Vic. c. 20. ...	An Act further to amend "The Liquor Act, 1891."	The whole Act.
60 Vic. c. 12. ...	An Act further to amend the liquor laws of the Colony.	The whole Act.
60 Vic. c. 33. ...	An Act in further amendment of the liquor laws of the Colony.	The whole Act.

PART VIII.

- CLASS I.—Acts relating to the closing of the Public Bank.
CLASS II.—Currency and Rate of Interest, and Bills of Exchange.
CLASS III.—Loans.
CLASS IV.—Investment of Public Monies.
CLASS V.—Salaries and Allowances of Public Officers, and other appropriations of Public Monies.
CLASS VI.—Attendance of Public Officers, Payment of Salaries, Leave of Absence, Competitive Examination, and Security.
CLASS VII.—Superannuation Allowances to Public Officers, and Pensions to their Widows and Orphans.
CLASS VIII.—Audit of Public Accounts.
CLASS IX.—Continuing Acts.
CLASS X.—Repealing Acts.

CLASS I.

ACTS RELATING TO THE CLOSING OF THE PUBLIC BANK.

No. 1.

49 Vic. c. 8. *An Act for closing the Public Bank at Nassau and for making provision for settling the affairs thereof.* (Assented to 30th March, 1886.)

[THIS Act was passed for settling the affairs of the Public Bank at Nassau which had existed for half a century, and had been recognised as a public department by various Acts of Assembly.

The operations of the Bank were closed on the 31st day of March 1886, and full provision made for settling its affairs. From the lapse of time that has followed the passing of this Act it has not been thought necessary to print in this compilation anything beyond its title, and the clause repealing the various Acts of Assembly already referred to.]

XXX. On the passing of this Act the following Acts and parts of Acts shall be and the same are hereby repealed, that is to say:—

5 William 4, chapter 39, entitled “An Act to establish Savings’ Banks,”

AND

6 William 4, chapter 18,
1 Victoria, chapter 8,
4 Victoria, chapter 2,
6 Victoria, chapter 2,
12 Victoria, chapter 22,
passed in amendment thereof.

So much of the Act 17 Victoria, chapter 24, as authorises trustees, executors, administrators, and other persons having trust monies in their hands, to pay the same into the Public Bank to attend the order of the General Court on its equity side, and as provides for the making of Orders by the said Court with reference to such trusts.

The third example in the Schedule to the Act 19 Victoria, chapter 5. So much of the Act 24 Victoria, chapter 13, as requires the capital stock of a limited partnership formed under the Act to be deposited in the Public Bank, and the certificate of the cashier that such deposits have been made—and also as requires the monies of any such partnership when wound up by direction of a Court to be paid into the said Bank.

The following sections of the Act 36 Victoria, chapter 8, viz:—

Sec. 12. Permitting revenue officers to deposit amount of security required on taking office in the Public Bank instead of giving security by bond.

Sec. 44. Obliging Receiver-General and Treasurer to deposit public monies in the said Bank.

Sec. 49. Regulating the disposition of public monies standing to credit of Receiver-General and Treasurer in Public Bank on decease of that officer.

The 38 Victoria, chapter 25, authorising the imposition of a stamp duty on cheques drawn upon the Public Bank, and the 2nd Sec. of the 41 Victoria, chapter 3, passed in amendment thereof.

The 48 Victoria, chapter 6, entitled “An Act to explain and amend the laws relating to the Public Bank at Nassau,” and for other purposes.

The 48 Victoria, chapter 20, entitled “An Act for granting additional powers to the Trustees of the Public Bank at Nassau,” and for other purposes.

The 48 and 49 Victoria, chapter 26, entitled “An Act placing the management of the Public Bank at Nassau under the control of the Governor,” and for other purposes.

AND

So much of the Schedule A. to the 32 Victoria, chapter 13, as declares the Public Bank to be a fixed establishment of the colony, and the Schedule thereof as attaches salaries to the cashier and clerk thereof.

Provided that such repeal shall not affect the validity of any promissory note, bond, or mortgage taken and entered up under any of the aforesaid Acts, or of any other security whatever, nor of any proceedings commenced under the authority of any such Acts, but all such promissory notes, bonds and mortgages and other securities whatever, shall be as valid and effectual for the purposes for which they were taken, and of this Act as if such repealed Acts were in force, and all such proceedings shall be prosecuted and continued in the name of the Receiver-General and Treasurer as if the said Acts under which they were commenced had not been repealed. Proviso.

No. 2.

59 Vic. c. 18. *An Act to amend “The Bank Closing Act, 1886.”*
(Assented to 30th April, 1896.)

I. This Act may be cited for all purposes as “The Bank Closing Amendment Act, 1896.” 1e of Act.

Words "principal Act" to mean "The Bank Closing Act, 1886."

Certain mortgaged lands or interest therein to vest in the Board of Public Works.

Lands may be sold by Board of Public Works.

Deed of conveyance to be made and by whom executed. Deed exempt from stamp duty.

Execution of deed to bar claims of certain heirs.

Disposition of proceeds of sale.

II. Where the words "principal Act" are used in this Act they shall be held and construed to mean and refer to "The Bank Closing Act, 1886."

III. Where any mortgage of lands or any interest therein which may have been taken in the name of the cashier of the Public Bank at Nassau prior to the twelfth day of March, 1885, has been foreclosed, and such lands or any interest therein now stand or stands in the name of such cashier, and have or has not been realised for the purposes of the principal Act, such lands or any interest therein shall from and after the passing of this Act vest in the Board of Public Works for the Island of New Providence for the purposes hereinafter mentioned.

IV. It shall be lawful for the Board of Public Works aforesaid to sell and dispose of any such lands or any interest therein when directed to do so by the Governor.

V. Upon any sale made under the authority of the fourth section of this Act it shall be lawful for the said Board of Public Works to convey the lands or any interest therein so sold to the purchaser or purchasers by a deed to be made in pursuance of this Act to be executed by the Chairman and any two members of the said Board. Such deed shall not be subject to stamp duty.

VI. Such deed when executed shall vest in the said purchaser or purchasers an estate in fee simple, and shall be a bar to the claim or claims of the heirs of the cashier of the said Public Bank in the lands or any interest therein so conveyed by such deed.

VII. The proceeds of any sale of lands or any interest therein under this Act, after deducting any expenses connected therewith and of the conveyance thereof, shall be paid by the said Board of Public Works into the Public Treasury in aid of the general revenue of the colony.

CLASS II.

CURRENCY AND RATE OF INTEREST, AND BILLS OF EXCHANGE.

No. 1:

2 Vic. c. 4. *An Act to declare British Sterling Money to be the Money of account throughout the Bahama Islands.* (Assented to 29th November, 1838.)

PREAMBLE.

British sterling money made the current money of the colony.

WHEREAS inconveniences have arisen, and are still likely to arise from the difference between the current value of the several foreign coins in circulation in the colony, and the sterling value at which such coins are respectively received and paid at the several custom houses and army departments of the colony, for remedy whereof it has become expedient to alter the currency of the colony, and to establish in lieu thereof British sterling money as the money of account; May it, &c., That from and after the commencement of this Act, British sterling money shall be the money of account throughout the Bahama Islands; and that all receipts and payments, and all gifts, grants, contracts, bargains, sales, agreements and stipulations, and all written bonds, bills, notes, drafts, acceptances, acknowledgments, undertakings or securities for money, and all transactions, dealings, matters, and things whatsoever relating to money, or involving or implying the payment of money, or the liability to pay any money which shall be had, made, done, executed,

or entered into within these islands, shall be had, made, done, executed, and entered into in sterling money, such sterling money becoming the currency and lawful money of the said Bahama Islands, and not according to any currency or as money hath been heretofore valued in the said islands, or in any other manner than in such sterling money; and that all such receipts, payments, gifts, grants, contracts, bargains, sales, agreements, stipulations, bonds, bills, notes, drafts, acceptances, acknowledgments, undertakings, securities, transactions, dealings, matters, and things, shall be deemed, construed, and taken to be had, made, executed, done, and entered into according to such sterling money, and in reference to the sterling value of the various coins in circulation within these islands at the time of the making, executing, doing, or entering into any such receipts, payments, gifts, grants, contracts, bargains, sales, agreements, stipulations, bonds, bills, notes, drafts, acceptances, acknowledgments, securities, transactions, dealings, matters, and things aforesaid, unless the contrary be proved to have been the intention of the parties, any law, usage, or custom in force within these islands at any time before the passing of this Act to the contrary notwithstanding: Provided always, nevertheless, that all debts, agreements, contracts, bargains, sales, and money engagements and securities, of whatever nature the same may be, contracted prior to the commencement of this Act, in what then was and had been the currency of these islands, shall be convertible into the sterling denomination by virtue of this Act, at and after the rate of four shillings and twopence sterling for every eight shillings of the said currency, of which any such debt or other money engagement as aforesaid may consist, agreeably to the schedule hereunto annexed, and shall be paid and liquidated accordingly.

II. That this Act shall commence and take effect from and after the twenty-fourth day of December next.

Date from which
this Act is to
take effect.

SCHEDULE.

Bahama Currency.	Sterling.	Silver Dollars.	Schedule.
£40 at 4s. 2d.	£20 at 16s. 8d.	100	

No. 2.

22 Vic. c. 17. *An Act to repeal the Act of Assembly, 41 Geo. 3, c. 3, and to make other provisions regulating the charging of interest on moneys and the recovery of damages on protested Bills of Exchange.* (30th April, 1859.)

WHEREAS it is expedient to repeal the Act of Assembly 41 Geo. 3, c. 3, and to make other provisions regulating the charging of interest on moneys, and the recovery of damages on protested bills of exchange; May it, &c.

I. That the said Act of the 41st year of the reign of King George the Third, chapter three, shall be, and the same is hereby repealed: Provided always that such repeal shall not prejudice or affect the rights or remedies of any person or diminish or alter the liabilities of any person in respect of any act done previously to the passing of this Act.

Act 41 Geo. 3,
c. 3, repealed.

Proviso.

II. That wherever interest is payable upon any contract expressed or implied, entered into before the passing of this Act for payment of the legal or current rate of interest, or where interest shall be payable upon any such contract entered into after the passing of this Act, but in respect of which the rate of interest is not mentioned, then and in either of such cases interest shall be recoverable at and after the rate of six pounds per centum per annum.

£6 per £100 on
debts incurred
before the pass-
ing of and on
contracts after-
wards where the
rate of interest
is not specified.

£20 per £100
damages on bills
of exchange
drawn on any
part of Europe
and not honour-
ed.

£15 per £100
damages on bills
of exchange
drawn on any
other place out
of the colony
than Europe.

III. That for all bills of exchange drawn or negotiated within these islands upon any part of Europe, which shall be returned under protest for want of acceptance or payment or for any other cause, there shall be paid upon all such bills so protested and returned as aforesaid, a re-exchange as damages for the same, at the rate of twenty pounds per centum, and in case of nonpayment of such protested bills and damages within three days after demand being made by the possessor of such bill from the drawer or indorser, then the said bill together with the damages thereon shall bear the legal interest at and after the rate of six pounds per centum per annum aforesaid.

IV. That all bills of exchange drawn or negotiated within these islands, upon any place out of the colony other than in Europe, which shall be returned under protest for either of the causes before mentioned, there shall be paid upon all such bills as aforesaid a re-exchange as damages for the same at the rate of fifteen pounds per centum, and in case of non-payment of such protested bill with damages as last aforesaid, within three days after demand being made by the possessor of such bill, from the drawer or indorser, then the said bill together with the damages thereon shall bear legal interest at and after the rate aforesaid.

No. 3.

44 Vic. c. 7. *An Act to declare that tender of payment in Spanish, Mexican, or Columbian Silver Coins, called Dollars, shall cease to be a lawful tender.* (Assented to 2nd April, 1881.)

PREAMBLE.

WHEREAS by a royal proclamation of Her Majesty the Queen, dated the fourteenth day of September, one thousand eight hundred and thirty-eight, it was declared and ordained that throughout the whole of Her Majesty's West Indian colonies the Spanish, Mexican and Columbian silver coins called dollars should circulate and be received in payment as being of the full value of four shillings and two-pence sterling, current money of the United Kingdom, and that tender in payment of such dollars, or either of them, at the rate aforesaid, should be deemed and taken to be a lawful tender in such manner as if such tender had been made in the current coin of the United Kingdom; And whereas, notwithstanding the said proclamation, the said silver dollars have for some time past by universal custom been current in the colony at the following value, that is to say, at the value of four shillings sterling, which value is in excess of their intrinsic value; And whereas it is expedient that all payments in the said Spanish, Mexican and Columbian silver coins called dollars, shall, as hereinafter provided, cease to be a legal tender; May it, &c.

Certain dollars
not legal tender.

I. Six months after the passing of this Act, or at such time previously to the expiration of such period of six months as shall be appointed by the Governor in Council, and proclaimed, the said Spanish, Mexican and Columbian silver coins called dollars shall be demonetized, and shall cease to be a legal tender within this colony, any law, Act or proclamation to the contrary notwithstanding, and the Governor in Council is hereby authorised and empowered to appoint such time as aforesaid.

Dollars to be
redeemed at 4s.

II. The Governor in Council is also hereby authorised and empowered to appoint and proclaim a limited period (to commence after the demonetization of such silver coins as aforesaid shall have come into operation, and they shall have ceased to be a legal tender within this colony), during which the cashier of the Public Bank at Nassau shall receive in payment, or in exchange for other current coins of the

colony, any of the said Spanish, Mexican or Columbian silver coins called dollars, at the rate of four shillings sterling, current money of the United Kingdom.

III. It shall be lawful for the Governor in Council and he is hereby authorised to make such arrangements as may be necessary and expedient for giving effect to this Act.

Governor to make arrangements.

No. 4.

55 Vic. c. 5. *An Act to extend to these Islands "The Imperial Bills of Exchange Act, 1882."* (Assented to 8th April, 1892.)

I. "The Imperial Bills of Exchange Act, 1882," shall be and the same is hereby declared to be in force in these islands in the same manner as if the said statute contained words expressly extending its operation to the Bahama Islands, subject, however, to the changes made therein by the other sections of this Act, and excepting those portions set out in the Schedule attached thereto.

"Imperial Bills of Exchange Act, 1882," declared in force with certain changes.

II. Wherever the words "United Kingdom" or "British Islands" appear in the said Act, they shall be read "Bahama Islands."

Words changed.

III. Wherever the words, "a day appointed by royal proclamation as a public fast or thanksgiving day" appear in the said Act they shall be read and construed to mean any day set apart as a public holiday according to the laws of these islands.

Construction of certain words.

IV. In the third sub-section of section ninety-seven the figures "1870" and "1862" shall be respectively read "1877" and "1866."

Figures changed.

SCHEDULE.

Schedule.

Section four from "For the purposes of this Act" to the end of the section.

Sub-section (a) of section fourteen the words "Royal proclamation as a public fast or thanksgiving day," and the words "except in the case hereinafter provided for."

Sub-section (b) of section fourteen.

Section fifty-three from the words, "This sub-section to the end of the section."

Sub-section (b) of section ninety-two.

Sub-sections (c) and (d) of section ninety-seven.

Sections ninety-eight and one hundred.

CLASS III.

LOANS.

No. 1.

48 & 49 Vic. c. 24. *An Act to authorise the raising of a Loan not exceeding £35,000.* (Assented to 3rd July, 1885.)

WHEREAS it is expedient to raise a loan of thirty-five thousand pounds to be applied towards the liquidation of certain claims against the Government of these islands, and issue debentures for that purpose in the manner hereinafter mentioned; May it, &c.

PREAMBLE.

<p>Title. Issue of debentures authorised.</p>	<p>I. This Act may be cited for all purposes as "The Bahama Loan Act, 1885."</p>
<p>How secured.</p>	<p>II. It shall be lawful for the Governor to authorise the Crown agents for the colonies to raise by the issue of debentures under this Act any sum or sums not exceeding in the whole thirty-five thousand pounds sterling.</p>
<p>Amount.</p>	<p>III. The principal moneys and interest secured by the debentures issued under this Act are hereby charged upon and shall be payable out of the general revenues and assets of the Government of the Bahamas.</p>
<p>Interest.</p>	<p>IV. Every debenture issued under this Act shall be for a sum of not less than one hundred pounds sterling, and shall bear interest at a rate not exceeding five pounds per centum per annum.</p>
<p>Where issued.</p>	<p>V. The debentures shall be issued in London, and shall be signed on behalf of the Government of Bahamas by the Crown agents for the colonies, or any two of them.</p>
<p>Register.</p>	<p>VI. Every debenture shall, before being issued, be registered in a register book to be kept for that purpose at the office of the Crown agents for the colonies.</p>
<p>Coupons.</p>	<p>VII. There shall be attached to every debenture coupons for the payment of the interest, to become due in each half-year upon the principal secured by the debenture. The coupons shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the debenture has to run, or for such limited period as the Crown agents may determine.</p>
<p>Form.</p>	<p>VIII. The debentures and the coupons may be in such form as the Crown agents may direct or approve.</p>
<p>Transferable.</p>	<p>IX. Every debenture and coupon, and the right to receive the principal and interest secured or represented thereby, shall be transferable by delivery.</p>
<p>Interest to be remitted to Crown agents half-yearly.</p>	<p>X. So long as any of the debentures remain outstanding, the Governor shall, in each half-year ending with the day on which the interest on the debenture falls due, appropriate out of the general revenues and assets of the colony a sum equal to one half-year's interest on the whole of the debentures previously issued, including any which may have been redeemed, and remit that sum to the Crown agents at such time as will enable them to pay the then current half-year interest on the day when it falls due.</p>
<p>Further sums to be remitted.</p>	<p>The Governor shall, in each half-year ending as aforesaid, further appropriate out of the revenues and assets of the colony an additional sum equal to ten shillings sterling per centum per annum on the total nominal amount of all the debentures issued on or before the first day of that half-year, including any which may have been redeemed, and remit that sum to the Crown agents with the half-year's interest hereinbefore mentioned.</p>
<p>Sinking fund to be formed.</p>	<p>XI. The Crown agents shall place and keep the money so remitted to them, or so much thereof as may not be required for immediate payments on deposit at interest in their names with some bank or banks in London, and shall hold all such moneys and the accumulations thereon in trust, to apply them, in the first place, in payment of the interest for the current half-year upon the debentures for the time being outstanding, and, in the next place, in the formation of a sinking fund.</p>
<p>Interest on debentures to be payable half-yearly.</p>	<p>XII. The interest upon the principal secured by each debenture shall run from the day named in that behalf in the debenture, and shall be paid half-yearly on the days named in that behalf in the debenture, at the offices of the Crown agents in London.</p>
<p>Application of sinking fund.</p>	<p>XIII. The sinking fund shall be applied in the first place in the payment of all the expenses of, or incidental to, the payment of interest, to the redemption of debentures, and the costs and expenses of all notices required by this Act to be given, and, in the next place, and</p>

subject to the aforesaid payments, in repayment of the principal moneys for the time being secured by the debentures.

XIV. The debentures shall, at the option of the Crown agents, be redeemed either by purchase in the open market or by annual drawings, and subject to the aforesaid payments; the sum to be applied annually to such redemption shall correspond as nearly as may be to, but not exceed, the amount for the time being standing to the credit of the sinking fund.

Debentures how redeemed.

XV. After the expiration of four years and eleven months from the day on which the first of the debentures is issued, and so long thereafter as any of the debentures remain outstanding and unsatisfied, the Crown agents shall in every year, unless the whole of the money applicable in that year to the redemption of debentures has been applied to the purchase thereof, appoint a day in that year for the drawing by lot of the debentures to be redeemed.

Debentures when redeemable.

XVI. If a day is appointed for the drawing, the Crown agents shall give, by advertisement in the *Times* newspaper, not less than fifteen days' previous notice, specifying the day on which, and the hour and place at which the drawing will take place, and the nominal amount of debentures to be redeemed at that drawing.

Date and place of redemption.

XVII. On that day and at the hour and place so specified, the Crown agents shall hold a meeting, at which the holder of any debenture may, if he think fit, be present, and shall then in the presence of such debenture holders (if any) as may attend, cause to be drawn by lot out of the whole number of debentures for the time being, outstanding debentures of the specified nominal amount.

Time of drawing and who to be present.

XVIII. The Crown agents shall thereupon declare the distinguishing numbers of debentures drawn for redemption, and shall, as soon as may be, by advertisement in the *Times* newspaper, specify those numbers and appoint a day (not being later as to each debenture than the day on which the then current half-year's interest thereon is payable) on which the principal moneys secured by the debentures so distinguished will be repaid.

Declaration of time when principal will be repaid.

XIX. On the day so appointed the Crown agents shall, at their offices in London, on demand, pay to the holders of the debentures drawn for repayment the principal moneys secured by those debentures, with all interest payable thereon up to that day.

Crown agents to pay holders of debentures in London.

XX. From and after the day appointed for the repayment of any debenture, all interest on the principal moneys secured thereby will cease and determine, whether payment of the principal have or have not been demanded.

Interest to cease

XXI. Upon the repayment of the principal moneys secured by any debenture, the debenture, with all the coupons thereunto belonging, shall be delivered up to the Crown agents to be by them cancelled.

Debentures to be delivered up.

No. 2.

51 Vic. c. 9. *An Act to authorise the raising of a Loan of Money to pay off existing Treasury Debentures.* (Assented to 28th March, 1888.)

I. This Act may be cited for all purposes as "The Debenture Act, 1888." Title.

II. On the passing of this Act it shall be lawful for the Receiver-General and Treasurer, with the sanction of the Governor in Council, to raise from time to time a sum of money not exceeding forty-eight thousand one hundred and twenty-six pounds by the issue of Treasury debentures.

Authorises the issue of Treasury debentures for £48,126.

Money raised
how applied.

Holders of out-
standing Treas-
ury debentures
to receive notice
of payment.

Sums and in-
terest and when
redeemable.

Payment of
interest.

Present holders
of debentures
may convert the
same into debentures
issued
under this Act.

Proviso.

Cancellation of
debentures.

Interest to cease
according to
notice.

Repeals.

III. The money to be raised under the authority of this Act shall be applied in paying off all outstanding Treasury debentures which have from time to time been issued within these islands.

IV. The holders of outstanding Treasury debentures shall be entitled to receive three months notice of such payment before the same shall be made.

V. The debentures issued under this Act may be for sums of £25, £50, and £100 respectively, at the option of the parties applying for the same; shall be in such form as may be decided upon by the Governor in Council; shall be signed by the Receiver-General and Treasurer and countersigned by the Colonial Secretary, and shall bear interest at the rate of four per cent., and such debentures shall not be redeemable until the expiration of thirty-five years after the respective dates thereof.

VI. The interest accruing due on all debentures issued under this Act shall be payable quarterly out of the Public Treasury, and shall have the same preference over all other payments to be made out of the Public Treasury as has hitherto been granted to interest payable on debentures issued within the colony.

VII. Should any of the present holders of the debentures directed to be paid off by this Act desire to convert the same into debentures to be issued under this Act, it shall be lawful for the Receiver-General and Treasurer to issue to such holders debentures under this Act in lieu of those so held by them, upon such holders delivering up to him the debentures now held by them. *Provided* such holders notify such their desire within the period of two months after they shall have received notice of repayment under the fourth section of this Act.

VIII. All debentures delivered up under the preceding section, as well as those delivered up on payment thereof, shall be cancelled and destroyed by the Receiver-General and Treasurer in the presence of the Governor in Council.

IX. When the Receiver-General and Treasurer has given notice to any outstanding debenture holder that such debenture will be paid off on a day to be named in such notice, interest on such outstanding debenture shall cease from the day so named in the said notice.

X. Upon liquidation of all outstanding debentures, either by payment thereof or by the issue of new debentures under this Act in lieu of the same, the following Acts shall be and the same are hereby repealed, that is to say:—

- 13 Victoria, chapter 6.
- 39 Victoria, chapter 17.
- 40 Victoria, chapter 10.
- 43 Victoria, chapter 7.

No. 3.

55 Vic. c. 1. *An Act for establishing Telegraphic communication between the Bahama Islands, and parts beyond the limits of the Colony.* (Assented to 10th October 1891.)

Authorises the
raising of a loan
of £30,000 by
issue of debentures.

Debentures, de-
nomination of.
Form.
How signed and
countersigned.

III. For the purposes of this Act it shall be lawful for the Governor, with the advice of the Executive Council, to authorise the Receiver-General and Treasurer of these islands, or the Crown agents for the colonies in London, to raise the sum of thirty thousand pounds by the issue of debentures.

IV. Debentures issued under this Act shall be for sums of not less than one hundred pounds; shall be in the form decided upon by the Governor in Council; shall be signed by the Receiver-General and

Treasurer, or such other person as may be designated for the purpose by the Governor in Council; shall be countersigned by the Colonial Secretary, or such other person as may be designated for the purpose by the Governor in Council; shall bear interest at a rate not exceeding four per cent.; and shall not be redeemable until the expiration of thirty years after the respective dates thereof.

Rate of interest.
When redeemable.

V. The interest accruing due on debentures issued under this Act shall be payable quarterly out of the Public Treasury, and shall have the same preference over all other payments to be made out of the Public Treasury as has hitherto been granted to interest payable on debentures issued within the colony.

Interest when and how payable.

(See this Act *in extenso*, Part 7, Class 12, No. 4.)

No. 4.

56 Vic. c. 2. *An Act to authorise the raising of a Sum of Money to pay off certain Debentures issued under the authority of "The Telegraph Act, 1891," and for other purposes.* (Assented to 7th June, 1893.)

I. It shall be lawful for the Governor, with the advice of the Executive Council, to authorise the Crown agents for the colonies to raise by the issue of debentures under this Act any sum or sums not exceeding in the whole fifteen thousand pounds sterling.

Authorises the raising of a loan of £15,000.

II. The principal moneys and interest secured by the debentures issued under this Act are hereby charged upon and shall be payable out of the general revenues and assets of the Government of the Bahamas.

Principal moneys and interest how secured.

III. Every debenture issued under this Act shall be for a sum of not less than one hundred pounds sterling, and shall bear interest at a rate not exceeding four pounds per centum per annum, and shall not be redeemable until the expiration of thirty years after the respective dates thereof.

Amount.
Interest.

IV. The debentures shall be issued in London, and shall be signed on behalf of the Government of the Bahamas by the Crown agents for the colonies or any two of them.

Where issued and how signed.

V. Every debenture shall before being issued be registered in a register book to be kept for that purpose at the offices of the Crown agents for the colonies.

Debentures to be registered.

VI. There shall be attached to every debenture coupons for the payment of the interest to become due in each half year upon the principal secured by the debenture. The coupons shall be sufficient in number to provide for the payment of the interest either during the whole period for which the debenture has to run, or for such limited period as the Crown agents may determine.

Coupons.

VII. The debentures and the coupons may be in such form as the Crown agents may direct or approve.

Form.

VIII. Every debenture and coupon, and the right to receive the principal and interest secured or represented thereby, shall be transferable by delivery.

Transferable

IX. The Governor shall in each half-year, ending with the day on which the interest on the debentures fall due, appropriate out of the general revenues and assets of the colony a sum equal to one half-year's interest on the debentures issued, and remit that sum to the Crown agents at such time as will enable them to pay the then current half-year's interest on the day when it falls due.

Interest to be remitted to Crown agents half-yearly.

X. Repealed by 57 Vic. c. 1.

Interest payable
half-yearly.

XI. The interest upon the principal secured by each debenture shall run from the day named in that behalf in the debenture, and shall be paid half-yearly on the days named in that behalf in the debenture at the offices of the Crown agents in London.

Debentures to be
delivered up.

XII. Repealed by 57 Vic. c. 1.

XIII. Upon the repayment of the principal moneys secured by any debenture, the debenture, with all the coupons thereunto belonging, shall be delivered up to the Crown agents to be by them cancelled.

Application of
moneys received
by Crown agents.

XIV. The moneys received by the Crown agents for the debentures so issued by them shall be applied under the directions of the Governor in Council in payment of the one hundred and fifty debentures for the sum of one hundred pounds each, issued under "The Telegraph Act, 1891," dated the first day of January, 1892, and respectively lettered and numbered E 1 to E 150 inclusive.

Debentures to be
cancelled when
paid off.

XV. Such last-mentioned debentures when so paid off shall be cancelled and destroyed in such manner as may be directed by the Governor in Council.

Amends.

XVI. Repealed by 57 Vic. c. 1.

XVII. On the passing of this Act the words "two hundred and sixty-seven pounds ten shillings" in the sixth section of "The Telegraph Act, 1891," shall be read "*One hundred and thirty-three pounds fifteen shillings.*"*

Title of Act.

XVIII. This Act may be cited for all purposes as "The Debenture Act, 1893."

No. 5.

57 Vic. c. 1. *An Act to amend "The Debenture Act, 1893."* (Assented to 2nd April, 1894.)

Repeals.

I. The tenth, twelfth, and sixteenth sections of "The Debenture Act, 1893" (hereinafter called the principal Act) are hereby repealed.

Substitutes.]

II. The following are hereby substituted as the tenth and twelfth sections of the principal Act:—

Further sum to
be remitted to
the Crown
agents as a
sinking fund.

X. The Governor shall in each half-year ending as aforesaid further appropriate out of the revenues and assets of the colony the sum of one hundred and fifty-seven pounds ten shillings, and shall remit the same to the Crown agents to be invested by them in some one or more of the securities of the Imperial Government of Great Britain, or of the Government of any colony of Great Britain, or other security as may be approved by Her Majesty's Principal Secretary of State for the Colonies, as they may from time to time determine as a sinking fund for the final extinction of the debt. The Crown agents shall also from time to time invest the dividends interest or produce arising from such investments, so that the same may accumulate by way of compound interest.

Dividends to be
invested.

Deficiency of
sinking fund,
how supplied.

XII. In case the sinking fund shall be insufficient for the payment of all the principal moneys borrowed under the authority of this Act at the time the same shall have become due, the Governor shall make good the deficiency out of the general revenue and assets of the colony.

Amends.

III. The following shall be inserted and read as the thirteenth section of the principal Act —

* The words in italics to be read "One hundred and fifty-seven pounds ten shillings" by 57 Vic. c. 1.

XIII. All expenses of and incidental to the management of the sinking fund or the repayment of the principal moneys to be borrowed under this Act shall be paid out of the sinking fund. Expenses, how paid.

IV. Sections thirteen, fourteen, and fifteen of the principal Act shall hereafter be numbered and read respectively as the fourteenth, fifteenth, and sixteenth sections of the said Act. Sections re-numbered.

V. In reading hereafter the seventeenth section of the principal Act, the words "one hundred and thirty-three pounds fifteen shillings" shall be read "one hundred and fifty-seven pounds ten shillings." Amends.

No. 6.

58 Vic. c. 1. *An Act to authorise the raising of a Sum of Money for public purposes.* (Assented to 22nd March, 1895.)

I. This Act may be cited for all purposes as "The Loan Act, 1895." Title of Act.

II. It shall be lawful for the Governor with the advice of the Executive Council, to authorise the Crown agents for the colonies to raise by the issue of debentures under this Act any sum or sums not exceeding in the whole ten thousand pounds. Authorises the raising of a loan of £10,000 by issue of debentures.

III. The principal moneys and interest secured by the debentures issued under this Act are hereby charged upon and payable out of the general revenues and assets of the Government of the Bahamas. Principal moneys and interest, how secured.

IV. Every debenture issued under this Act shall be for a sum of not less than one hundred pounds sterling, and shall bear interest at a rate not exceeding four pounds per centum per annum, and shall not be redeemable until the expiration of ten years after the respective dates thereof.* Amount of each debenture. Interest.

V. The debentures shall be issued in London, and shall be signed on behalf of the Government of the Bahamas by the Crown agents for the colonies or any two of them. Where issued and how signed.

VI. Every debenture shall before being issued be registered in a register book to be kept for that purpose at the offices of the Crown agents for the colonies. Debentures to be registered.

VII. There shall be attached to every debenture coupons for the payment of the interest to become due in each half-year upon the principal secured by the debenture. The coupons shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the debenture has to run, or for such limited period as the Crown agents may determine. Coupons.

VIII. The debentures and the coupons may be in such form as the Crown agents may direct or approve. Form.

IX. Every debenture and coupon, and the right to receive the principal and interest secured or represented thereby shall be transferable by delivery. Transferable.

X. The Governor shall in each half-year, ending with the day on which the interest on the debentures falls due, appropriate out of the general revenues and assets of the colony a sum equal to one-half year's interest on the debentures issued, and remit that sum to the Crown agents at such time as will enable them to pay the then current half-year's interest on the day when it falls due. Interest to be remitted to Crown agents half-yearly.

* The 2nd sec. of 59 Vic. c. 3, *post*, No. 7, of this Class, directs that the words "and ten shillings" be inserted after the words "pounds" in this section, and the words "shall be redeemable not later than," shall be substituted for the words "shall not be redeemable until the expiration of" therein.

Further sums to be remitted for the redemption of debentures.

XI. The Governor shall in each half-year ending as aforesaid further appropriate out of the revenues and assets of the colony a sum not exceeding the sum of *four hundred pounds*, and remit that sum to the Crown agents, and the Crown agents shall place and keep the money so remitted to them under this section on deposit at interest in their names with some bank or banks in London, or invest the same in Government securities, and shall hold all such moneys and the accumulations thereon in trust to apply them in redemption of the debentures issued under this Act and in repayment of the principal moneys secured by the debentures.*

Interest payable half-yearly.

XII. The interest upon the principal secured by each debenture shall run from the day named in that behalf in the debenture, and shall be paid half-yearly on the days named in that behalf in the debenture at the offices of the Crown agents in London.

Debentures and coupons to be delivered up.

XIII. Upon the repayment of the principal moneys secured by any debenture, the debenture with all the coupons thereunto belonging, shall be delivered up to the Crown agents to be by them cancelled.

XIV. Repealed by 59 Vic. c. 3.

No. 7.

59 Vic. c. 3. *An Act to amend "The Loan Act, 1895."* (Assented to 20th March, 1896.)

Title of Act.

I. This Act may be cited for all purposes as "The Loan Act, 1895, Amendment Act, 1896."

Amends section 4 of "The Loan Act, 1895."

II. From and after the passing of this Act, the words "and ten shillings" shall be inserted and read after the word "pounds" in the fourth section of "The Loan Act, 1895" (hereinafter called the principal Act); and the words "shall not be redeemable until the expiration of," in the same section, shall be repealed, and the words "shall be redeemable not later than" shall be substituted and read in lieu of the words so repealed.

Amends section 11 of "The Loan Act, 1895."

III. In reading hereafter the eleventh section of the principal Act, the words "four hundred pounds" shall be read "four hundred and thirty-six pounds."

Repeals.

IV. The fourteenth section of the principal Act is hereby repealed.

Amends section 14 of "The Loan Act, 1895."

V. The following shall be inserted and read as the fourteenth section of the principal Act:—

XIV. All expenses of and incidental to the management of the sinking fund, or the repayment of the principal moneys borrowed under this Act, shall be paid out of the sinking fund.

Deficiency of sinking fund to be made good out of the general revenue.

VI. In case the sinking fund shall be insufficient for the payment of all the principal moneys borrowed under the authority of the principal Act at the time the same shall have become due, the Governor shall make good the deficiency out of the general revenue and assets of the colony.

* By 3rd sec., 59 Vic. c. 3, the words "four hundred and thirty-six pounds" are to be read in this section for the words "four hundred pounds."

No. 8.

59 Vic. c. 8. *An Act to authorise the conversion of Debentures issued within these Islands into lower denominations than those for which they were originally taken.* (Assented to 20th March, 1896.)

I. This may be cited for all purposes as "The Local Debenture Conversion Act, 1896." Title of Act.

II. In this Act the term "person" shall include a corporation. The terms "Colonial Secretary" and "Receiver General and Treasurer" shall include acting officers. Defines certain terms.

III. Where a person being the holder of a Treasury debenture issued within these islands for the payment of a sum exceeding one hundred pounds desires to convert the same into securities of a lower denomination, it shall be lawful for the Receiver-General and Treasurer, with the sanction of the Governor in Council, upon the delivery to him of the debenture so desired to be converted, to issue to such person other debentures in such sums as may be required by such person to the extent of the amount for which the debenture so delivered up was originally issued. Debentures for the payment of a sum exceeding £100 may be converted into securities of a lower denomination.

IV. Debentures issued under the authority of this Act shall be in such form as may be decided by the Governor in Council, shall be signed by the Receiver-General and Treasurer, and countersigned by the Colonial Secretary, and shall bear the same rate of interest and be redeemable at the same time as the debentures for which they are substituted. Form, issue, and rate of interest of debentures.

V. The debentures delivered up shall be cancelled and destroyed in such manner as the Governor in Council may direct. Cancellation of debentures.

CLASS IV.

INVESTMENT OF PUBLIC MONIES.

No. 1.

61 & 62 Vic. c. 25. *An Act to authorise the investment of Public Monies.* (Assented to 10th August, 1898.)

I. This Act may be cited for all purposes as "The Investment of Public Monies Act, 1898." Title.

II. It shall be lawful for the Governor in Council to invest or cause to be invested in such manner as may be deemed advisable, for and on behalf of the Government of these islands, any surplus monies that may from time to time be in the Public Treasury. Provided that such investment shall only be made in interest bearing Government securities of the United Kingdom of Great Britain and Ireland, or of the United States of America, or any British possession. Surplus public monies may be invested.
Proviso.

CLASS V.

SALARIES AND ALLOWANCES OF PUBLIC OFFICERS
AND OTHER APPROPRIATIONS OF PUBLIC MONIES.

No. 1.

26 Vic. c. 19. *An Act to provide a more equitable Scale of Remuneration for the Superior Ecclesiastical Officers of the Colony.*

Grants certain
fixed salaries set
forth in the
Schedule.

I. That from and after the first day of July, 1863, the several amounts set and placed opposite the respective offices named in the Schedule to this Act annexed, shall be payable out of the Public Treasury of these islands, in monthly payments, by warrant in the usual manner, to the respective holders of such offices, and so much of any other Act of Assembly of these islands as provides for the payment of salaries to the holders of such offices shall be and the same is hereby repealed: Provided that the repeal aforesaid shall not be construed as affecting the provisions of any of the said Acts by which conditions are attached to the holding of any office or payment of any salary attached thereto, unless the entire Act is by this Act repealed.

The following salaries are payable under this Act:—

SCHEDULE.*

	£
The Rector of the Parish of St. Matthew	275
The Curate of District Chapel of St. Agnes	200
The Incumbent of the Parish of St. David	150

No. 2.

28 Vic. c. 30.

Section V. Under this section an allowance of £30 per annum for house rent is payable to the present incumbent of St. Agnes.

No. 3.

29 Vic. c. 24. *An Act for granting a Sum of Money to the Lord Bishop of the Diocese in aid of the Stipends of certain Clergymen.*

£50 per annum is only now payable under this Act to the present incumbent of the parish of St. David.

* These salaries will only continue payable during the incumbency of the present holders of the offices named herein. See 32 Vic. c. 27.

No. 4.

32 Vic. c. 24. *An Act to regulate the supply of Stationery to the various Public Departments and Officers of the Colony.* (Assented to 1st June, 1869.)

I. That it shall be lawful for the Governor in Council from time to time to make rules and regulations defining the public departments and officers entitled to be supplied with stationery, and the description, quantity, and mode of supply; and it shall also be lawful for the Governor in Council to contract for the supply of such stationery, or to obtain the same in such other manner as shall appear best calculated to ensure economy in the expenditure for such service. Provided that no greater sum shall be expended in any one year than three hundred pounds.

Governor in Council to make rules for supply of stationery.

II. That the word "stationery," as used in this Act, shall comprise printed forms, books, and all other articles ordinarily supplied to public offices under the designation of stationery.

Defines the word "stationery."

III. That all monies payable under this Act shall be issued out of the Public Treasury under the authority of warrants of the Governor in Council.

Authority for payment.

No. 5.

40 Vic. c. 15. *An Act to make provision for the payment of an Allowance to the Officers, Non-commissioned Officers, and Privates of Her Majesty's Army and Land Forces stationed within these Islands, in view of the privileges enjoyed by them under the Act of Assembly, 39 Vic. c. 1.* (Assented to 5th May, 1877.)

I. There shall be allowed and paid out of the Public Treasury, in monthly payments, by warrants in the usual manner, to every officer, non-commissioned officer, and private of Her Majesty's army and land forces on full pay stationed and doing duty within this colony, an allowance at and after the following rates, to wit:—

Army allowance.

(The Schedule enacted by this clause has been repealed by 44 Vic. c. 1, *post*, No. 6 of this Class, which substitutes another.)

such payments to be made on the requisition of the officer commanding Her Majesty's troops in the colony, and upon a certificate, under his hand as such commanding officer, that the officers and men to whom the allowance under this Act is claimed were stationed in the colony on full pay and doing duty therein, with the rank and for the time for which such allowance may be claimed.

II. So much of the second section of the said Act 39 Victoria, chapter one, as exempts from import duty articles imported or supplied out of a bonded warehouse for the use and accommodation of any officer of Her Majesty's army on full pay, and doing duty within these islands, and provisions and stores of every description imported or supplied from a bonded warehouse for the use of Her Majesty's land forces, and so much of the third, fourth, and fifth sections of the said Act as refers thereto, shall be and the same are hereby repealed.

Repeals certain sections of Act 39 Vic. c. 1.

III. Nothing in this Act contained shall be construed to remove any exemption from duty of articles supplied by any Imperial department for the use of Her Majesty's land and sea forces or lighthouse service.

Construction of Act.

IV. This Act shall not come into force until thirty days after Her Majesty's assent thereto has been duly notified in the colony.

No. 6.

44 Vic. c. 1. *An Act to amend an Act entitled "An Act to make provision for the payment of an Allowance to the Officers, Non-commissioned Officers, and Privates of Her Majesty's Army and Land Forces stationed within these Islands, in view of the privileges enjoyed by them under the Act of Assembly 39 Vic. c. 1." (Assented to 12th March, 1881.)*

Repeal.

I. So much of clause 1 of the 40 Vic. c. 15 as provides a schedule is hereby repealed.

Increases allowance.

II. When and so soon as this Act comes into operation, the army allowance shall be calculated at the rates set forth in the Schedule to this Act.

Suspending clause.

III. This Act shall not come into force until thirty days after Her Majesty's assent thereto has been duly notified in the colony.

Schedule.

SCHEDULE.						s.	d.	
Colonel or Lieut.-Colonel	..	..	..	..	..	3	0	per diem.
Major .. .. .	..	..	..	..	..	2	6	"
Captain .. .. .	..	..	..	..	..	2	0	"
Subaltern .. .. .	..	..	..	..	..	1	6	"
Company Serjeant-Major	..	..	..	..	..	0	6	"
Sergeant.. .. .	..	..	..	..	..	0	4	"
Private .. .. .	..	..	..	..	..	1	10	each per month.*

No. 7.

46 Vic. c. 7. *An Act to amend the Act granting Allowances to the Officers, Non-commissioned Officers, and Privates of Her Majesty's Army and Land Forces stationed within these Islands. (Assented to 6th March, 1883.)*

Allowance to European non-commissioned officers and privates.

I. From and after the passing of this Act there shall be allowed and paid to every European non-commissioned officer and private of Her Majesty's army and land forces who may now or hereafter be serving within these islands the following sum, that is to say :—

To every Sergeant	..	..	..	..	..	6d.	per diem.
To every Private ..	..	..	..	..	..	2½d.	„

No. 8.

52 Vic. c. 27. *An Act to consolidate and amend the various Laws relating to the Civil and Judicial Establishments of the Colony. (Assented to 23rd May, 1889.)*

Title of Act.

I. This Act may be cited for all purposes as "The Public Establishments Act, 1889."

Civil and judicial establishments fixed by Schedule A.

II. The civil and judicial establishments of the colony shall continue to be permanently fixed and established as set forth in Schedule A hereto annexed.

Salaries and allowances.

III. Every person now holding, or who may hereafter hold, either of the offices in Schedule A shall be entitled to receive annually the

* By 46 Vic. c. 7, *post*, No. 7 of this Class, a higher rate is allowed to European sergeants and privates.

salary and allowance set and placed in the said Schedule opposite to the office which he now holds, or to which he may hereafter be appointed.

IV. Repealed by 56 Vic. c. 6.

V. The person holding the office of provost marshal of these islands, and his successors in such office, shall be *ex-officio* inspector of police, and shall perform the duties of the combined offices respectively as defined by law, and shall receive the annual salary set opposite to the offices in the Schedule A.*

Provost-Marshal
ex-officio inspec-
tor of police.

VI. Repealed by 53 Vic. c. 27.

VII. The right of appointment to the offices of clerk and messenger to the Legislative Council shall be vested in that Board.

Appointment of
clerk and mes-
senger to Legis-
lative Council.

VIII. The medical department of the colony shall continue to consist of the offices mentioned and set forth in the Schedule, under the respective heads of "Board of Health" and "New Providence Asylum."

Medical depart-
ment.

IX. The offices of "physician to the Nassau prison," "physician to the police," and "health officer" as now existing by law, shall be consolidated into one office with the title of "medical inspector," and the person now holding the three above-mentioned offices, and his successors in office, shall be so styled hereafter; shall be *ex-officio* Chairman of the Board of Health, and shall perform the various duties appertaining to the respective offices mentioned, as the same are defined and set out in the various laws of the colony relating thereto.

Medical
inspector.

Chairman Board
of Health.

X. Wherever in any Act of Assembly the words "health officer," "physician to the prison," or "physician to the police force" are used, they shall be held to refer to the person holding the office of "medical inspector."

Defines certain
words.

XI. The port officer shall, as heretofore, be *ex-officio* keeper of the powder magazine and harbour master of the port of Nassau; he shall also discharge the duties of a boarding officer, visiting and boarding every vessel arriving at the port of Nassau, and the various duties of preliminary visitation to vessels, and report on the state of the health of persons on board of such vessels, which are required to be performed by the visiting officer under the quarantine laws of the colony, and he shall also be and is hereby invested with the necessary powers and authorities for carrying the provisions of such laws into effect.

Duties of port
officer.

XII. The several resident justices and assistant resident justices of the colony, now or hereafter holding office, shall continue to perform the various duties originally connected with their offices, and shall, as heretofore, be *ex-officio* collectors of revenue, or preventive officers, as the case may be, as also warehouse-keeper, if the port at which they are stationed is a warehousing port; and coroners for the respective districts, or portions of districts, for which they have been or may be appointed to act, except as hereafter mentioned, and who shall receive the salaries set forth in the Schedule against their respective offices.

Duties of resi-
dent and assist-
ant resident
justices.

XIII. Resident justices and assistant resident justices shall give security for the safe custody and disposal of monies received by them by virtue of their offices, in such manner as may be regulated from time to time by the Governor and Executive Council. *Provided* that nothing herein contained shall be construed to require any resident justice or assistant resident justice who has already given security to enter into any further security, such security already given being hereby confirmed as having been given under this Act.

Justices to give
security for
monies.

Proviso.

XIV. The resident justice of Eleuthera shall be the custodian of the copies of the list of voters for the district of Gregory Town and Hatchet Bay, although such settlements are in the magisterial district of the resident justice of Harbour Island.

Resident justice
of Eleuthera to be
custodian of list
of voters for
Gregory Town
and Hatchet
Bay.

* See note to Sec. 5 of 54 Vic. c. 14, *ante*, Part III., Class II., No. 6.

Existing rules continued in force, until amended.

XV. All rules and regulations framed under the twenty-fourth section of the 32 Victoria, chapter 13, and now in force regulating the duties of resident justices and assistant resident justices, shall continue to have force and effect until altered or changed, notwithstanding the repeal of the said Act.

Duties of resident justices to be defined by rules.

XVI. It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make and ordain rules and regulations defining the duties of resident justices and assistant resident justices, in addition to the rules now existing, or in substitution thereof, and such additional or substituted rules to cancel and annul by other or others, as may be deemed necessary.

Rules to have force and effect of law.

XVII. The existing rules, and any rules made under this Act, shall have the force and effect of law.

Lawful to transfer a resident justice from one district to another, temporarily.

XVIII. It shall be lawful for the Governor, acting with the advice of the Executive Council, from time to time whenever in his opinion it may be for the advantage of the public service so to do, to transfer for any period not exceeding twelve months at a time any resident justice or assistant resident justice stationed at any island or district of the Government to any island or district other than the one to which he has been appointed and stationed, and the resident or assistant resident justice so transferred shall have the same powers and authorities, and be entitled to the same rights and privileges in the island or district to which he may be transferred, in the same and the like manner as if he had been originally and permanently appointed thereto, and shall, during the period for which such transfer has been made, have and receive the salary attached to the office in the island or district from which he has been transferred.

Office rent to be allowed to certain justices.

XIX. There shall be allowed and paid out of the Public Treasury to each of the resident and assistant resident justices, where not otherwise provided for, for the purpose of procuring a suitable office for the holding of Courts and for the transaction of public business, an annual allowance of six pounds.

Prothonotary to continue as Registrar of Court of Equity.

XX. The person now or hereafter holding the office of prothonotary of the General Court shall continue to be *ex officio* registrar of the said Court on its equity side, and shall receive as such the annual allowance set forth in Schedule A.

Clerks of Post Office to give bond.

XXI. The clerks in the Post Office department shall each give bond for the faithful performance of the duties of his office; such bonds to be given to Her Majesty the Queen with one or two sureties in such form as the Governor in Council may determine.

Oath to be taken by clerks of Post Office.

XXII. Every person appointed to the office of clerk in the Post Office shall, before entering on his duties, take and subscribe the following oath before the Postmaster, to wit :—

Oath.

I, A.B., having been appointed a clerk in the Post Office department of the Bahama Islands, do swear that I will not, directly or indirectly, divulge or make known any matters or things happening, taking place, or existing in the said Post Office, but I will be faithful, honest and true in all things appertaining to my said office. So help me God.

Present clerks of Post Office not required to enter into new bonds or take oath again.

XXIII. Nothing contained in the two preceding sections shall be construed to require the present clerks in the Post Office department to enter into new bonds, or to take and subscribe the oath hereinbefore set out; the bonds already entered into, and oaths already taken and subscribed by them being hereby confirmed, as having been entered into and taken under this Act.

Clerk of Nassau Market to continue to have charge of Grant's Town Market.

XXIV. The clerk of the Nassau Market shall continue to have the charge and superintendence of the market in Grant's Town in such manner as is now or hereinafter may be regulated by any rules framed, or to be framed by the Board of Public Works for the Island of New Providence in relation thereto.

XXV. Any rules now in existence framed by the Board of Public Works aforesaid relating to the Grant's Town Market are hereby confirmed under this Act, and the said Board is hereby empowered from time to time to abrogate, alter, amend, and add thereto.

Existing rules confirmed relating to Grant's Town Market.

XXVI. Nothing contained in this Act shall be construed to invalidate or alter the provisions of the first section of the "Fees Commutation Act, 1880," requiring the fees therein mentioned to be collected and paid into the Public Treasury of these islands.

Provisions of Section 1 of the "Fees Commutation Act, 1880," not altered.

XXVII. Where any person has been appointed to act in any office in the colony, and such office shall become permanently filled, it shall be lawful for the Governor in Council to pay out of the Public Treasury, to the person who has held such acting appointment, the half salary of the office remaining undrawn for the period of time between the dates of the acting and permanent appointment to such office.

Undrawn half salary of any vacant office may be allowed to person holding acting appointment, after office has been permanently filled.

XXVIII. No person now in the public service who did not hold office prior to the fourteenth day of April, 1869, shall be entitled to claim or receive superannuation allowance under the provisions of the Act of Assembly, 25 Victoria, chapter 20.*

Superannuation allowance.

XXIX. The several salaries by this Act granted and fixed shall have the like preference of payment as is now given by law to the payment of existing salaries, and such salaries, together with the allowances authorised by this Act to be paid, shall be paid out of the Public Treasury by warrant of the Governor in Council in the usual manner.

Payment of salaries.

XXX. The following Acts, and parts of Acts, and all other Acts and parts of Acts as are inconsistent with the provisions of this Act, except the Act of Assembly, 52 Victoria, chapter 9, are hereby repealed, that is to say :—

Repeals.

	32 Victoria, chapter 13,
	39 Victoria, chapter 11,
	39 Victoria, chapter 13,
	40 Victoria, chapter 12,
	40 Victoria, chapter 13,
2nd Section	41 Victoria, chapter 8,
7th and 8th Sections	43 Victoria, chapter 12,
	44 Victoria, chapter 8,
	44 Victoria, chapter 10,
	44 Victoria, chapter 11,
	46 Victoria, chapter 22,
	46 Victoria, chapter 24,
	47 Victoria, chapter 6,
	47 Victoria, chapter 19,
	48 Victoria, chapter 7,
	48 Victoria, chapter 17,
	48 Victoria, chapter 21,
	48 Victoria, chapter 23,
	49 Victoria, chapter 12,
	50 Victoria, chapter 11,
	and
	51 Victoria, chapter 20.

XXXI. This Act shall not come into operation until thirty days after the publication of a Government notice in the newspaper in which Government notices are published notifying that Her Majesty has been pleased not to disallow the same.†

When Act shall come into operation.

* By 53 Vic. c. 23, *post*, No. 9 of this Class, this section is to be read as if the words "first day of June" had been originally inserted instead of the words "fourteenth day of April."

† Came into operation 19th April 1900.

SCHEDULE A.

Civil and Judicial Establishments of the Colony.

OFFICES.	Salary.	Allowance.
CIVIL ESTABLISHMENT.		
<i>Governor and Staff.</i>		
	£ s. d.	£ s. d.
The Governor or Officer administering the Govern- ment	1,000 0 0	.....
Private Secretary and Clerk to the Executive Council	100 0 0	.....
<i>Legislative Council.</i>		
Clerk	50 0 0	.....
Messenger	20 0 0	.....
<i>House of Assembly.</i>		
Speaker	100 0 0	.....
Chief Clerk	85 0 0	.....
Second Clerk and Sergeant-at-Arms	65 0 0	.....
Messenger	30 0 0	.....
<i>Colonial Secretary's Department.</i>		
Colonial Secretary	700 0 0*	.....
First Clerk	150 0 0	.....
Second Clerk	75 0 0	.....
Messenger and Keeper of Public Buildings ...	60 0 0	.....
<i>Receiver-General and Treasurer's Department.</i>		
Receiver-General	400 0 0†	.....
Collector and Chief Clerk	250 0 0‡	.....
Second Clerk and Book-keeper	150 0 0§	.....
Third Clerk	60 0 0||	.....
Port Officer	250 0 0**	.....
Boat allowance... ..	.....	85 0 0††
Three Tidewaiters: 1 at Nassau, 2 at Out-Islands, each £80 per annum	240 0 0 ††§§
<i>Registrar of Records Department.</i>		
Registrar	200 0 0	.....
Allowance as <i>ex-officio</i> Registrar of Court of Ordinary in lieu of fees ... ..	.....	10 0 0|||
Clerk	75 0 0	.....

* Prospectively reduced to £600 by 58 Vic. c. 32.

† Increased to £500 by 54 Vic. c. 4.

‡ Now styled Cashier and Chief Clerk by 3rd sec. 58 Vic. c. 32.

§ Increased to £200 by 54 Vic. c. 4.

|| Increased to £100 by 54 Vic. c. 4, which also authorises the appointment of a Fourth Clerk in this Department at £60 per annum.

** Reduced to £150 by 60 Vic. c. 20. This officer is *ex-officio* Clerk to the Commissioners of Pilotage by 58 Vic. c. 32.

†† Reduced to £50 by 53 Vic. c. 25.

‡‡ The Act 53 Vic. c. 25 authorises the appointment of four additional Tidewaiters at £80 each per annum.

§§ An officer styled Warehouse-keeper and Examining Officer has been attached to this Department by 53 Vic. c. 25 with a salary of £250 per annum.

||| Limited to present holder of office by 58 Vic. c. 32.

SCHEDULE A—cont.

OFFICES.	Salary.	Allowance.
<i>Post Office</i>		
Postmaster	£ s. d. 250 0 0*	£ s. d.
Chief Clerk	80 0 0†	.....
Second Clerk	50 0 0‡§	.....
<i>Surveyor-General's Department.</i>		
Surveyor-General and Civil Engineer	200 0 0	.....
Clerk	100 0 0	.....
<i>Board of Works.</i>		
Clerk	40 0 0	.....
Superintendent of Roads	125 0 0	.....
Allowance to pay a person to keep in order the Clock of the Cathedral	20 16 8	.....
MEDICAL DEPARTMENT.		
<i>Board of Health.</i>		
||Medical Inspector	190 0 0	.....
Sanitary Inspector	150 0 0	.....
Quarantine Officer	40 0 0	.....
<i>New Providence Asylum.**</i>		
Resident Surgeon Superintendent	350 0 0††	.....
Dispenser of Medicines	80 0 0	.....
Storekeeper	80 0 0	.....
Chaplain	25 0 0‡‡	.....
<i>Educational Department.</i>		
Secretary to the Board and Inspector of Schools	250 0 0	.....
Constable to the Board	50 0 0	.....
<i>Public Libraries.</i>		
To Trustees of Library at Nassau to pay Librarian	60 0 0	.....
To Trustees of Library at Harbour Island for same purpose	15 0 0	.....
To Trustees of Library at Inagua for same pur- pose	15 0 0	.....
<i>Market Department.</i>		
Clerk to Nassau Market	120 0 0	.....

* Increased to £300 by 62 Vic. c. 3.

† Increased to £150 by 62 Vic. c. 3.

‡ Increased to £80 by 54 Vic. c. 4.

§ A Third Clerk and Letter Carrier has been added to this Department at a salary of £50 per annum by 54 Vic. c. 4.

|| See 59th sec. 54 Vic. c. 14 and 1st sec. 58 Vic. c. 32.

** The Staff of this Department has been increased as follows: An Assistant Surgeon at £200 per annum and rent allowance of £40 per annum; a Trained Nurse at £150 per annum; an Assistant Nurse at £90 per annum. See 59 Vic. c. 16 and 61 & 62 Vic. c. 31.

†† Reduced to £300 by 59 Vic. c. 16.

‡‡ Increased to £50 by 56 Vic. c. 7. Limited to present holder by 58 Vic. c. 32.

SCHEDULE A—cont.

OFFICES.	Salary.	Allowance.
<i>Lighthouse Department.</i>		
Keeper of Hog Island Lighthouse	£ s. d. 90 0 0	£ s. d.
Assistant Keeper	50 0 0	.....
Quarantine Officer as Keeper of Athol Island Light	10 0 0	.....
JUDICIAL ESTABLISHMENT.		
<i>General Court.*</i>		
Chief Justice	700 0 0†	.....
For Clerical assistance ... ..	.....	15 0 0
Attorney-General	400 0 0	.....
Provost Marshal and <i>ex-officio</i> Inspector of Police	400 0 0	.....
Clerk of the Crown and Prothonotary	200 0 0‡	.....
Crier	50 0 0	.....
Allowance in lieu of fees ... ..	.....	6 0 0§
<i>Court of Common Pleas.||</i>		
Bailiff	50 0 0	.....
MAGISTERIAL DEPARTMENT.		
<i>Nassau.</i>		
Two Stipendiary and Circuit Magistrates, each £500	1,000 0 0**	.....
Clerk of Police Office	80 0 0	.....
Coroner for the Island of New Providence ...	50 0 0	.....
<i>Out-Islands.</i>		
<i>Resident Justices, ex-officio Collectors of Revenue, and Coroners at Ports of Entry.</i>		
Harbour Island—Dunmore Town, Spanish Wells, Bluff, Current, Gregory Town, Hatchet Bay ...	215 0 0	.....
Boat allowance... ..	.....	20 0 0
Inagua—Mathew Town	200 0 0	.....
Boat allowance... ..	.....	20 0 0
Abaco—Green Turtle Cay... ..	150 0 0	.....
Boat allowance... ..	.....	15 0 0
Long Cay—Albert Town, Acklin's Island, Crooked Island	150 0 0	.....
Boat allowance... ..	.....	15 0 0
Eleuthera—Governor's Harbour, James's Cistern, Savannah Sound, and Palmetto Point ...	200 0 0	.....
Boat allowance... ..	.....	15 0 0
Long Island—Clarence Town	100 0 0	.....
Exuma—George Town and Little Exuma ...	80 0 0††	.....
Bimini	100 0 0	.....
Boat allowance... ..	.....	10 0 0
Andros Island—Mangrove Cay	100 0 0	.....
Travelling allowance ... ..	.....	50 0 0

* This Court is now styled Supreme Court.

† Fixed at £800 by 58 Vic. c. 32.

‡ Now called Registrar.

§ Limited to present holder of office by 58 Vic. c. 32.

|| The jurisdiction of this Court is now vested in the Supreme Court of the Colony. The Bailiff is an officer of that Court.

** Prospectively reduced to £450 each by 58 Vic. c. 32.

†† Increased to £100 by 56 Vic. c. 6.

SCHEDULE A—cont.

OFFICES.	Salary.	Allowance.
<i>Out-Islands : Resident Justices, &c.—cont.</i>		
Ragged Island	£ s. d. 80 0 0	£ s. d.
Boat allowance... ..	.....	10 0 0
San Salvador—Bight	100 0 0*	.....
Boat allowance... ..	.....	10 0 0
Rum Cay	80 0 0†	.....
Boat allowance .. ...	.....	10 0 0
<i>Assistant Resident Justices and ex-officio Preventive Officers and Coroners of the following Settlements and Districts.</i>		
Eleuthera—Rock Sound	60 0 0	.....
Tarpum Bay	60 0 0‡	.....
San Salvador—Arthur's Town	60 0 0§	.....
Watling's Island	60 0 0||	.....
Grand Bahama—Eight-Mile Rock and Carrion		
Crow Harbour	60 0 0	.....
Abaco—Cherokee Sound	60 0 0	.....
Hope Town	80 0 0	.....
<i>Nassau Prison.</i>		
Gaoler	150 0 0	.....
Chaplain	25 0 0**	.....

No. 9.

53 Vic. c. 23. *An Act to amend "The Public Establishments Act, 1889," and for other purposes.* (Assented to 16th May, 1890.)

I. The twenty-eighth section of the said Act shall he hereafter read as if the words "first day of June" had been originally inserted therein instead of the words "fourteenth day of April."

Amends 28th section of "The Public Establishment Act, 1889."

II. Temporary clause.

No. 10.

53 Vic. c. 25. *An Act to define the duties of certain Officers of the Revenue Department, for the creation of other Offices therein, and for other purposes.* (Assented to 16th May, 1890.)

I. On the coming into operation of this Act, the words "as also the duties of examining officer and warehousekeeper" in the eleventh section of "The Civil Establishment Act, 1889," shall be repealed.

Repeals.

* By 61 Vic. c. 16 additional duties have been attached to this office and the salary and allowance respectively increased to £120 and £20 per annum.

† Increased to £120 by 61 Vic. c. 16.

‡ By 56 Vic. c. 6.

§ Suspended by 61 Vic. c. 16.

|| Increased to £80 by 61 Vic. c. 16.

** Increased to £50 by 56 Vic. c. 7. Limited to present holder by 58 Vic. c. 32.

Creates office of warehouse-keeper and examining officer.

Duties.

The Governor authorised to make and issue rules and regulations.

Salary of port officer prospectively reduced.

Additional tidewaiters.

Salaries.

When Act shall come into operation.

II. The duties of warehousekeeper and examining officer at the port of Nassau, shall be hereafter performed by an officer of the Revenue department of the colony to be appointed by His Excellency the Governor by commission under his Seal at Arms.

III. Such officer shall be styled "warehousekeeper and examining officer," shall be subject to the provisions of "The Revenue Consolidation Act, 1873," and, in addition to the duties imposed by that Act upon the person holding such office, he shall also perform such other duties as may be defined and laid down by any rule or regulation made or issued by the Governor with the advice of the Executive Council under the provisions of the aforesaid Act or this Act.

IV. The Governor acting with the advice of the Executive Council shall have power to make and issue all rules and regulations which may be deemed necessary for the proper and efficient carrying out of the provisions of this Act, and the performance by the warehousekeeper and examining officer of the special duties required of him by this Act in the examination of goods and merchandise imported into the colony, and to annex a penalty not exceeding two pounds for a breach of any such rules and regulations, which said rules and regulations when made and issued shall have the effect of law.

V. Upon a vacancy occurring in the office of port officer, the person who may hereafter be appointed to that office shall only receive a salary at and after the rate of £200 per annum, and a boat allowance of £50 per annum, and all Acts providing any higher rate of salary and allowance to such office shall be repealed upon any such future appointment being made as herein referred to.*

VI. It shall also be lawful for the Governor to appoint four additional tidewaiters for the Revenue service of the colony.

VII. There shall be paid out of the Public Treasury by warrant in the usual manner the following annual salaries to the officers appointed under this Act, that is to say:—

The warehousekeeper and examining officer	..	..	£250
To each tidewaiter	..	..	£80

VIII. This Act shall not come into operation until thirty days after the publication of a Government notice in the newspaper in which Government notices are published, notifying that Her Majesty has been pleased not to disallow the same.†

No. 11.

54 Vic. c. 4. *An Act increasing the Salaries attached to certain Offices, and creating two additional Offices, and for other purposes.*
(Assented to 5th June, 1891.)

Salaries of certain public officers.

I. From and after the coming into operation of this Act, there shall be paid annually out of the Public Treasury of these islands, by warrant in the usual manner, as salaries to the persons now or hereafter holding the offices hereinafter named, the respective sums set out and placed opposite the respective offices, that is to say:—

Receiver-General and Treasurer	..	..	..	£500
‡ Collector and chief clerk in Receiver-General and Treasurer's department	..	..	..	£300

* The salary named herein is reduced to £150 by 60 Vic. c. 20, *post*.

† Came into operation 22nd July, 1890.

‡ Now styled "cashier and chief clerk" by 58 Vic. c. 32, which reduces the salary to £250.

Second clerk and book-keeper in same department .. £100

Also

Third clerk therein £100

* *First clerk in Post Office* £100

Second clerk in same place £80

Clerk to Commissioners of Pilotage £50

and so much of "The Public Establishments Act, 1889," as affixes salaries to the above-named offices shall be and the same is hereby repealed. Repeals.

II. On the coming into operation of this Act it shall be lawful for the Governor to appoint an additional clerk in the Receiver-General and Treasurer's department to be styled "fourth clerk," and an additional clerk in the Post Office department to be styled "third clerk." Appointment of an additional clerk in the departments of Receiver-General and Treasurer and Post Office.

III. There shall be paid to the clerks so appointed, by warrant in the usual manner, the following annual salaries, that is to say:— Salaries.

Fourth clerk in Receiver-General and Treasurer's department £60

Third clerk and letter carrier in Post Office department £50

IV. The words "and letter carrier" following the words "second clerk" under the Post Office department in the Schedule A to "The Public Establishments' Act, 1889," are hereby repealed. Repeals.

V. This Act shall not come into operation unless and until the officer administering the Government notifies by proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the officer administering the Government shall notify by the same or any other proclamation. When Act shall come into operation.

No. 12.

54 Vic. c. 20. *Appropriation Act, 1891.*

In this Act, among the grants made to the Governor in Council, is the following:—

"257. Towards providing for the erection of necessary landing places at such of the Out-island settlements as may be decided upon after reports from the civil engineer, £1,000."

No. 13.

56 Vic. c. 6. *An Act to amend "The Public Establishments Act, 1889." (Assented to 7th June, 1893.)*

I. The words "except as hereinafter excepted" in the end of the third section of the said Act; and the fourth section thereof shall be and the same are hereby repealed. Repeals.

II. The salaries of the Resident Justices at Rum Cay and Exuma, respectively set forth in the said Act under the heading "Magisterial Department," at eighty pounds per annum, shall each hereafter be payable at the rate of one hundred pounds per annum, and so much of Increases salaries of Resident Justices at Rum Cay and Exuma.

Repeals.

Omits certain words.

Inserts certain words.

House rent, Resident Justice of Andros Island.

Personal allowance to William F. Dalzell.

the said Act as authorises the payment of the lower amounts shall be and the same is hereby repealed.*

III. In reading the said Act under the heading "Magisterial Department" in the same column referring to Assistant Resident Justices, the words "and Tarpum Bay" shall hereafter be omitted; and immediately under the line "Eleuthera Rock Sound £60" in the said column, the following words and figures shall be inserted and read as part of the column in the said Act as if the same had been originally inserted therein, that is to say: "Tarpum Bay £60."

IV. From and after the passing of this Act there shall be paid out of the Public Treasury, by warrant in the usual manner, to the person holding the office of Resident Justice of Andros Island, an annual allowance of twenty-five pounds for house rent.

V. On the passing of this Act there shall be allowed and paid out of the Public Treasury, by warrant in the usual manner, a personal allowance to William F. Dalzell during the time he shall hold the office of gaoler of the Nassau Prison at the rate of thirty pounds per annum.

No. 14.

56 Vic. c. 7. *An Act to further amend "The Public Establishments Act, 1889."* (Assented to 7th June, 1893.)

Increases salaries of chaplains to asylum and prison.

I. The salary of the chaplain of the New Providence Asylum set forth in the said Act under the heading "Medical Department" at twenty-five pounds per annum, and the salary of the chaplain of the Nassau Prison set forth under the heading "Magisterial Department" at twenty-five pounds per annum, shall each hereafter be payable at the rate of fifty pounds per annum, and so much of the said Act as authorises the payment of the lower amounts shall be and the same is hereby repealed.

Repeals.

No. 15.

58 Vic. c. 27. *An Act granting personal Allowances to certain Public Officials.* (Assented to 7th June, 1895.)

Grants personal allowance.

I. There shall be paid out of the Public Treasury, by warrant in the usual manner, the sum of fifty pounds per annum to each of the persons hereinafter named so long as he holds the office set opposite to his name, that is to say:—

The Honourable Herbert Arthur Brook, Registrar of Records.

When Act shall come into operation.

II. This Act shall not come into operation until thirty days after the publication of a Government notice in the Official Gazette, notifying that Her Majesty has been pleased not to disallow the same.†

* Repealed as to Rum Cay by 61 Vic. c. 16, *post*.

† This Act came into operation on 18th September, 1895. It granted a personal allowance to another official who is dead.

No. 16.

58 Vic. c. 32. *An Act for prospectively reducing the fixed expenditure of the Colony, and for other purposes.* (Assented to 14th June, 1895.)

I. Every person who after the passing of this Act shall be appointed to either of the offices in this clause mentioned shall only have and receive out of the Public Treasury of these islands the annual salary hereto set out and placed opposite the office to which he may be so appointed, that is to say:—

Chief Justice	£800
Colonial Secretary	£600
Auditor General	£300
Superintendent of Telegraphs	£250
Medical Inspector of the Colony	£200
Stipendiary and Circuit Magistrate	£150
Clerk in the Telegraph Office	£60
Messenger in the Telegraph Office	£30
Chaplain to the New Providence Asylum	£25
Chaplain to the Nassau Prison	£25
Serjeant Major of the Constabulary Force	£100

Prospectively reduces the salaries attached to certain offices.

II. On any future appointment to the office now known as Auditor-General, the person appointed shall be styled instead Auditor of Public Accounts, and shall receive the salary set opposite the words Auditor-General in the first clause of this Act.

Auditor-General to be styled Auditor of Public Accounts.
Salary.

III. On a vacancy occurring in the office of collector and chief clerk in the department of the Receiver-General and Treasurer, the style and designation of such office shall be changed to cashier and chief clerk, and the person appointed to such office shall receive out of the Public Treasury of these islands a salary of two hundred and fifty pounds per annum payable by warrant in the usual manner.

Collector and chief clerk in the Receiver-General's Department to be styled cashier and chief clerk.
Salary.

IV. Whenever a vacancy shall occur in the office of clerk to the Commissioners of Pilotage, the same shall be abolished as a distinct office, and the person who may upon the happening of such vacancy be holding the office of port officer, and his successors in that office shall be *ex-officio* clerk to the Commissioners of Pilotage, and shall perform the duties appertaining to such office without any further or additional salary or allowance whatever.

Port officer to be *ex-officio* clerk to the Commissioners of Pilotage.

V. Whenever a vacancy shall occur in the office of provost marshal and inspector of police by reason of the death, resignation, or otherwise of the present holder of such offices, the duties appertaining to such combined offices shall be separated and performed in the manner hereinafter provided for by this Act; and so much of the fifth section of "The Bahamas Constabulary Act, 1891," as declares the holder of such combined offices to be *ex-officio* commandant of constabulary and inspector of prisons shall then be repealed.

Combined offices of provost marshal and inspector of police to be separated.

Repeals.

VI. On the happening of the vacancy mentioned in the immediately preceding clause, the office of commandant of constabulary shall be abolished, and a person shall be appointed to command the constabulary and police forces of the colony, who shall be selected from the Royal Irish constabulary, or from some other force similarly trained; shall be styled inspector of constabulary and police, shall performed the duties now by law attached to the office of commandant of constabulary inspector of police and inspector of prisons, and who shall receive a salary of three hundred and fifty pounds per annum payable out of the Public Treasury by warrant in the usual manner.

Abolishes office of commandant of constabulary.

Appointment of a person to command the constabulary and police forces.

Salary.

Registrar of records to be appointed provost marshal.

Salary.

Abolishes office of inspector of constabulary and police.

mends.

Amends.

Repeals.

Constables stationed at Nassau to be reduced to fourteen, as vacancies occur.

Amends.

Grant to the Board of Education to be reduced by £750 for one year.

Prospectively abolishes commuted allowances.

Government medical officers in the colony required to give evidence at inquests and in criminal cases on behalf of the prosecution without extra remuneration.

Repeals.

Title.

VII. It shall be lawful for the Governor upon a vacancy occurring in the offices of provost marshal and inspector of police as aforesaid to appoint the registrar of records to be provost marshal of the colony, and thereupon the person holding the office of registrar of records shall perform all the duties, and have all the privileges, rights, and protection appertaining to the office of provost marshal, and shall receive in respect of such combined offices a salary of three hundred pounds per annum payable out of the Public Treasury by warrant in the usual manner.

VIII. Whenever the office of inspector created by "The Bahamas Constabulary Act, 1891," shall become vacant, the said office shall be abolished, and the duties of such office shall be performed by the person who at the time of such abolition may be holding the office of commandant of constabulary under such Act, or that of inspector of constabulary and police under this Act, without any further or additional salary or allowance whatever.

IX. In reading hereafter the second section of "The Bahamas Constabulary Act, 1891," the figures and word "40 constables" shall be omitted, and the words "thirty-seven constables" shall be inserted and read in lieu thereof.

X. After the coming into operation of the sixth clause of this Act in reading "The Bahamas Constabulary Act, 1891," the word "commandant" wherever appearing therein shall be omitted, and the words "inspector of constabulary and police" inserted and read in lieu thereof; and the words and figures in the Schedule A. to the said Act "commandant at £100 per annum" shall be repealed.

XI. As vacancies hereafter occur in the police force established under the Act of Assembly, fifty-second Victoria, chapter twenty-one, such vacancies shall not be filled up, and when by reason of such vacancies the number of constables stationed at Nassau under the provisions of the third section of the said Act shall be reduced to fourteen, the said force so stationed as aforesaid shall remain at that number, and from and thereafter in reading the said third section the words "thirty-two" shall be omitted, and the word "fourteen" shall be substituted and read in lieu thereof.

XII. For the period of one year from and after the passing of this Act the annual grant to the Board of Education shall be reduced by the sum of seven hundred and fifty pounds.

XIII. The allowance made to the persons holding the offices respectively named in the Schedule to "The Fees' Commutation Act, 1880," shall only be payable to the holders of such offices as may now be in receipt of the same, anything in the said Act to the contrary notwithstanding; and in reading hereafter the said Act, the words "and their successors in office" therein, and the words and figures "Provost Marshal of Bahamas and General Court in its criminal, common law and equity side, *ex-officio* Marshal Court of Bankruptcy, and of the Court of Divorce and Matrimonial Causes. . . .£80" in the Schedule thereof shall be omitted.

XIV. It shall be the duty of the future holders of Government medical offices in the colony who may be in receipt of an annual stipend out of the Public Treasury whenever required to give evidence at inquests held by the coroner of the Island of New Providence, and in criminal cases before any of the Courts of the colony on behalf of the prosecution without any further remuneration than the salary attached by law to their respective offices.

XV. All Acts and parts of Acts inconsistent with and repugnant to the provisions of this Act as the same shall from time to time come into force shall be repealed.

XVI. This Act may be cited for all purposes as "The Retrenchment Act, 1895."

No. 17.

59 Vic. c. 13. *An Act making provision for the Payment of certain Sums of Money for public purposes.* (Assented to 20th March, 1896.)

I. This Act may be cited for all purposes as "The Public Allowances Act, 1896." Title of Act.

II. There shall be allowed and paid annually out of the Public Treasury of these islands, commencing from the first day of April, 1896, to the Governor in Council by warrant in the usual manner the sums of money hereinafter mentioned for the services set forth, that is to say :— Allowances to the Governor in Council.

For assistance in the Governor's office £100.

For defraying the expenses of His Excellency the Governor while travelling within the colony £150.

For lighting Government House grounds £45.

III. This Act shall continue in force for the period of five years from the first day of April, 1896, and from thence to the end of then next session of Assembly. Commencement and continuance of Act.

IV. This Act shall not come into operation until the officer administering the Government notifies in the Official Gazette that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the officer administering the Government shall notify by the same or any other notice. When Act shall come into operation.

No. 18.

59 Vic. c. 15. *An Act granting a personal allowance to Nigel Bruce Burnside while holding the office of Chief Clerk in the Department of Colonial Secretary.* (Assented to 30th April, 1896.)

I. There shall be paid out of the Public Treasury of these islands by warrant in the usual manner to Nigel Bruce Burnside, while he holds the office of chief clerk in the department of Colonial Secretary, an annual allowance of fifty pounds, such allowance to be computed from the first day of January last. Grants a personal allowance to Nigel Bruce Burnside.

II. This Act shall not come into operation until the officer administering the Government notifies in the Official Gazette that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the officer administering the Government shall notify by the same or any other notice. When Act shall come into operation.

No. 19.

59 Vic. c. 16.

By the second section of this Act the salary of the resident surgeon superintendent of the New Providence Asylum is fixed at £300 per annum.

The third section creates the office of assistant surgeon of that establishment, and attaches thereto a salary of £200 per annum, with £40 per annum as house allowance.

See the Act *in extenso*, ante Part V., Class 6, No. 9.

No. 20.

60 Vic. c. 20. *An Act to reduce the Salary now by law attached to the office of Port Officer of the Port of Nassau.* (Assented to 20th May, 1897.)

Salary of port officer fixed at £150 per annum.

Repeal.

I. From and after the passing of this Act the person holding the office of port officer shall have and receive a salary at and after the rate of one hundred and fifty pounds per annum payable out of the Public Treasury by warrant in the usual manner; and so much of the fifth section of the Act of Assembly, 53 Victoria, chapter 25, as provides a higher rate of salary to that office shall be and the same is hereby repealed.

No. 21.

60 Vic. c. 22. *An Act to authorise the disposition of certain Surplus Public Monies.* (Assented to 20th May, 1897.)

Short title.

I. This Act may be cited for all purposes as "The Disposition of Surplus Public Monies Act, 1897."

Enacting clause.

II. It shall be lawful for the Governor in Council, by warrant in the usual manner, to authorise the payment out of the Public Treasury from the surplus monies remaining therein on the 31st December last of the sums hereafter named for the performance of the following public works, that is to say:—

Commissioners of the New Providence Asylum.

TO THE COMMISSIONERS OF THE NEW PROVIDENCE ASYLUM.

	£	s.	d.	£	s.	d.
For the construction of a new lunatic ward and out-buildings in Nassau on plans to be approved by the Governor in Council	1,000	0	0			
For repairs to buildings, &c., at New Providence Asylum to be performed by job or day work	190	0	0			
To paint interior woodwork of old buildings New Providence Asylum	65	0	0			
To paint exterior of buildings at Asylum ..	130	0	0			
To colour the walls of buildings at Asylum inside and outside	72	0	0			
To colour boundary walls and paint gates at Asylum	40	0	0			
To colour and paint boundary walls and fences, Victoria Jubilee Hospital ..	10	0	0			
				1,507	0	0

Board of Public Works, New Providence.

TO THE BOARD OF PUBLIC WORKS FOR THE ISLAND OF NEW PROVIDENCE.

For improvements to the Western Esplanade on plans to be approved by the Governor in Council	300	0	0			
For improvements in roads at New Providence	100	0	0			
				400	0	0
Carried forward				1907	0	0

	£	s.	d.	£	s.	d.
Brought forward				1907	0	0

TO THE GOVERNOR IN COUNCIL.

Governor in
Council.For improvements at the undermen-
tioned Out-islands :—

ABACO.

AT CHEROKEE SOUND.

Repairs and fittings to residence and public grounds	30	15	0
Repairs to roads	28	0	0
To improve the harbour at Cherokee Sound	100	0	0

HOPE TOWN.

Improvements of the streets at Hope Town	58	12	0
To improve the harbour at Hope Town ..	100	0	0

MARSH HARBOUR.

Improvement of the drainage at Marsh Harbour	55	0	0
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GREEN TURTLE CAY.

Repairs to prison	29	13	0
Improvement of approach to Black Sound	38	0	0
To inclose burial ground at Cedar Harbour	10	0	0

450 0 0

For improvements at Harbour Island :—

Erection of new library and offices ..	300	0	0
Completion of streets of Dunmore Town	250	0	0

550 0 0

For improvements at Governor's Harbour,
Eleuthera :—

Completion of new building	250	0	0
Road round Cupids Cay	150	0	0

400 0 0

For improvements in roads at San Salvador	100	0	0
For improvements in roads at Exuma ..	50	0	0
For improvements in roads at Long Island	100	0	0
For improvements in roads at Long Cay ..	100	0	0
For improvements in roads at Andros Island	100	0	0
For improvements in roads at Grand Bahama	50	0	0
For improvements in roads at Rum Cay ..	25	0	0
For improvements in roads at Watling's Island	25	0	0
For building a residence for the Resident Justice at Ragged Island	100	0	0
For Quarantine Station at Inagua	200	0	0
To clear out and improve main canal at Inagua Salt Pond	100	0	0

950 0 0

Special supervision of Out-island works ..	180	0	0
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180 0 0

£4437 0 0

No. 22.

61 Vic. c. 11. *An Act granting a personal allowance to the Bailiff of the Supreme Court.* (Assented to 31st May, 1898.)

Personal allowance to bailiff of the Supreme Court.

I. There shall be paid out of the Public Treasury of these islands, by warrant in the usual manner, to the person now holding the office of bailiff of the Supreme Court, and during such time as he holds such office, an annual allowance of £10.

Proviso.

Provided that such annual allowance shall not entitle the holder of the office to any superannuation allowance in respect of the same.

Commencement.

II. This Act shall not come into operation until the officer administering the Government notifies in the Official Gazette that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the officer administering the Government shall notify by the same or any other notice.

No. 23.

61 Vic. c. 14.

By the 5th section of this Act public physicians appointed in Out-land districts receive £30 per annum.

See Act *in extenso*, ante Part V., Class 6, No. 10.

No. 24.

61 Vic. c. 16. *An Act further to amend "The Public Establishments Act, 1889."* (Assented to 31st May, 1898.)

Suspends.

I. Upon the coming into operation of this Act, so much of "The Public Establishments Act, 1889" (hereinafter called the principal Act) as creates the office of Assistant Resident Justice at Arthur's Town, San Salvador, and affixes a salary thereto and as provides for the payment of a salary to the Resident Justice of the Bight, San Salvador, shall be suspended.

Resident Justice of Bight, San Salvador, to exercise jurisdiction over the whole island.

II. The person who may hereafter be appointed to the office of Resident Justice of the Bight, San Salvador, shall have and exercise jurisdiction as such over the said Island of San Salvador, and shall visit the district of Arthur's Town aforesaid at least once in every month, or oftener if necessary, to perform such magisterial and other duties thereat as may be necessary.

Salary and allowance of Resident Justice, Bight, San Salvador.

III. There shall be allowed and paid out of the Public Treasury of these islands, by warrant in the usual manner, to the person hereafter appointed to the office of Resident Justice as aforesaid a salary at the rate of one hundred and twenty pounds per annum and an annual allowance of twenty pounds, payable as aforesaid, for the keep of a horse.

Repeal.

IV. On the coming into operation of this Act there shall be paid to the persons holding the offices hereinafter named the salaries hereinafter mentioned, and so much of the principal Act and of the Act 56 Victoria, chapter 6, as affix other and lower salaries to such offices shall be and the same are hereby repealed.

Salaries—Rum Cay and Watling's.

Resident Justice, Rum Cay	£120 per annum.
Assistant Resident Justice, Watling's Island	£80 per annum.

V. This Act shall not come into operation until the officer administering the Government notifies in the Official Gazette that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the officer administering the Government shall notify by the same or any other notice.

Commencement.

No. 25.

61 Vic. c. 23. *Appropriation Act*, 1898. (Assented to 31st May, 1898.)

III. It shall be lawful for the Receiver-General and Treasurer, and he is hereby required to set apart from the general revenue the sum of £700, such sum to be placed and kept as a separate fund, styled "Fund for preparing and completing a New Edition of the Laws of the Colony," and to be at the disposal of the Governor in Council for defraying the expense incurred in the preparation of a new edition of the "Laws of the Colony" whenever authorised by the Legislature of these islands.

£700 to be set apart for a new edition of the laws of the colony.

No. 26.

61 & 62 Vic. c. 28. *An Act granting personal Allowances to certain Public Officials*. (Assented to 10th August, 1898.)

I. There shall be paid out of the Public Treasury of these islands, by warrant in the usual manner, as an annual allowance to each of the persons hereinafter named, during such time as they hold the offices hereinafter named, the sums placed opposite their names, that is to say :—

Grants personal allowances to Thomas Vincent Matthews and Robert J. Bowe.

Thomas Vincent Matthews, cashier and chief clerk in the Receiver-General and Treasurer's department	..	£50
Robert J. Bowe, storekeeper in the New Providence Asylum	.. .. .	£20

II. Such annual allowance shall be computed and date from the first day of April last.

No. 27.

61 & 62 Vic. c. 31. (Assented to 26th August, 1898.)

THIS Act authorises the payment of the following annual salaries, for five years, viz. :—

Head nurse, New Providence Asylum	.. ..	£150
Assistant nurse	.. ..	£90

See Act, *in extenso*, ante Part 5, Class 6, No. 11.

No. 28.

61 & 62 Vic. c. 32. *An Act to authorise the erection of Constabulary Barracks, and for other purposes.* (Assented to 26th August, 1898.)

Title.

I. This Act may be cited for all purposes as "The Constabulary Barracks Act, 1898."

Erection of barracks and buildings for the constabulary force authorised.

II. It shall be lawful for the Board of Public Works for the Island of New Providence to cause to be erected by contract, job, or day's work, upon the lot of land known as the Agricultural Grounds, barracks, and buildings, suitable for the accommodation of the constabulary force of the Bahamas, according to such plans as may be approved of by the Governor in Council: *Provided*, however, that the sum to be expended in the erection of such works shall not exceed four thousand one hundred and fifty pounds.

Proviso.

Accommodation for steam fire-engine provided for.

III. It shall also be lawful for the said Board of Public Works to expend a sum not exceeding fifty pounds in adapting the present engine room on the eastern side of the Public Buildings Square to receive the steam fire engine of the colony.

Temporary accommodation of the constabulary force authorised.

IV. On the property known as the military barracks being acquired under provisions of "The Hotel and Steam Service Act," 1898, and until the completion of the barracks and buildings authorised to be erected by section 2 of this Act, it shall be lawful for the Governor in Council to cause to be made all proper and necessary arrangements for the accommodation of the constabulary force.

Payment of expenses.

V. All expenses incurred in carrying out this Act in excess of the amount to be contributed towards the erection of the barracks under section 2 of the said "Hotel and Steam Service Act, 1898," shall be paid out of the special fund authorised by section 17 of the aforesaid "Hotel and Steam Service Act, 1898."

No. 29.

62 Vic. c. 3. *An Act granting an increase in Salary to the Postmaster and Chief Clerk in the Post Office.* (Assented to 23rd December, 1898.)

Repeal.

I. The Act of Assembly 61 Victoria chapter 21 is hereby repealed.

Salaries of Postmaster and chief clerk in the Post Office.

II. From and after the coming into operation of this Act there shall be paid annually out of the Public Treasury of these islands, by warrant in the usual manner, as salaries to the persons now or hereafter holding the offices hereinafter mentioned, the respective sums set out and placed opposite the respective offices, that is to say:—

Postmaster, £300.

Chief clerk in Post Office, £150.

Repeal.

And so much of "The Public Establishments Act, 1889," and of the Act of Assembly, 54 Victoria, chapter 4, as affix other and lower salaries to the above named offices shall be and the same are hereby repealed.

When salary of Postmaster shall take effect.

III. The salary to the said Postmaster as provided by the preceding section of this Act shall take effect and date from the first day of May last.

Commencement of Act.

IV. This Act shall not come into operation until the officer administering the Government notifies in the Official Gazette that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the officer administering the Government shall notify by the same or any other notice.

No. 30.

62 Vic. c. 11. *An Act granting a personal Allowance to Frederick Alfred Burnside while holding the office of Dispenser of Medicines in the New Providence Asylum.* (Assented to 20th April, 1899.)

I. There shall be paid out of the Public Treasury of these islands, by warrant in the usual manner, to Frederick Alfred Burnside, during such time as he holds the office of dispenser of medicines in the New Providence Asylum, an annual allowance of twenty pounds.

Personal allowance to Frederick Alfred Burnside.

II. This Act shall not come into operation until the officer administering the Government notifies in the Official Gazette that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the officer administering the Government shall notify by the same or any other notice.

Commencement of Act.

No. 31.

62 Vic. c. 25. *An Act granting personal Allowances to certain Public Officials.* (Assented to 28th April, 1899.)

I. There shall be paid out of the Public Treasury of these islands, by warrant in the usual manner, as an annual allowance to each of the persons hereinafter named, during such time as they hold the offices respectively set forth, the sums placed opposite their respective names:—

John David McDonald, Assistant Resident Justice of Cherokee Sound, Abaco	£20
John Stevenson Grant Maclure, clerk of police office ..	£20
Thomas Evan Duggan Brace, second clerk, Colonial Secretary's office	£15

Personal allowances to John David McDonald, John Stevenson Grant Maclure, and Thomas Evan Duggan Brace.

II. This Act shall not come into operation until the officer administering the Government notifies in the Official Gazette that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such a day as the officer administering the Government shall notify by the same or any other notice.*

Commencement of Act.

No. 32.

62 Vic. c. 33. *An Act for the appropriation of divers Sums of Money for and towards defraying the Expenses of the Government of the Bahama Islands.* (Assented to 20th May, 1899.)

WHEREAS it is expedient that certain sums of money should be appropriated for the public service and other expenses hereinafter mentioned. May it, &c.

PREAMBLE.

I. This Act shall be cited as "The Appropriation Act, 1899."

Title.

* This Act granted a personal allowance to another official, who, however, died upon the passing thereof.

Enacting clause.

II. There shall be paid out of the Public Treasury by warrant in the usual manner, the following sums of money for public services and other expenses hereinafter mentioned, that is to say :—

Board of Public Works, New Providence.

TO THE BOARD OF PUBLIC WORKS FOR THE ISLAND OF NEW PROVIDENCE.

To enable them to perform the works and pay for the services hereinafter mentioned, up to the 31st day of March, A.D. 1900, to be accounted for, that is to say :

Roads and streets.

ROADS AND STREETS.

1. For general repairs and weeding roads and streets in the city and suburbs	850	0	0
2. Country roads to weed and repair throughout the island	400	0	0
3. To continue the paving on the side-walks in the city	100	0	0
4. For repairing the western road from Old Fort or Charlottville to Clifton	150	0	0

Drains and bridges.

DRAINS AND BRIDGES.

5. Incidental repairs	120	0	0
6. To construct a drain running on the south side of Bay Street, from Mr. Rahming's property to Nassau Street	50	0	0

Abutments and sea fences.

ABUTMENTS AND SEA FENCES.

7. To extend the two stone wharves on East Bay Street near curiosity shops	75	0	0
8. Sea fence to repair old fences on the open parts of West Bay Street ..	20	0	0
9. To repair the abutment or sea wall in front of St. Matthew's burial ground	15	0	0
10. To entirely take down the abutment on Rawson's Square and rebuild it, using new stones where necessary..	300	0	0

Government House.

GOVERNMENT HOUSE.

11. Incidental repairs	150	0	0
12. Insurance	12	10	0
13. To colour the stables and boundary walls, and paint fences and gates ..	65	0	0
14. To paint the whole exterior of the buildings, and part of the interior, to be done by job or day work ..	150	0	0
15. To import new furniture for Government House	300	0	0

Carried forward

2,757 10 0

	£	s.	d.	£	s.	d.
Brought forward				2,757	10	0
16. To import two iron safes, one for His Excellency the Governor's office, to hold despatch books, and one for Private Secretary's office, to hold books and cash	45	0	0			
17. To strip off the shingles from the roof of main building and servants' quarters, and to re-cover with slates	500	0	0			

PUBLIC BUILDINGS.

Public buildings.

18. Incidental repairs	60	0	0
19. Insurance of the buildings	80	0	0
20. Nassau library and office of inspector of schools, to partly paint woodwork and colour walls	30	0	0
21. To partly paint and colour the public buildings, including the main offices, police court, and guard room, Auditor-General's office	200	0	0
22. For the employment of a gardener and assistants to undertake the upkeep of the grounds at Government House, the Park, the Public Library, and other open spaces and public grounds in the city and suburbs—provided, however, that prison labour shall not be employed at Government House	250	0	0
23. To provide a new iron safe for Post Office	40	0	0
24. Scavenging around public buildings	15	12	0
25. Centre public building. To strip off old shingles and put corrugated iron, including repairs	293	0	0
26. For furnishing stationery, presses, &c. in the Colonial Secretary's office ..	25	0	0

NASSAU PRISON.

Nassau Prison.

27. Incidental repairs and emptying cess-pits	40	0	0
28. To paint all the external iron and wood, and to colour the walls of the building	110	0	0

NASSAU MARKET, ICE HOUSE, AND JETTY,
AND EASTERN SLAUGHTER HOUSE.Nassau Market,
ice house and
jetty, and eastern
slaughter
house.

29. Incidental repairs, lighting, and scavenging	150	0	0
30. Cleaning closets on ice jetty	45	0	0

PUBLIC WELLS.

Public wells.

31. To clean out and repair	10	0	0
Carried forward	4,651	2	0

	£	s.	d.	£	s.	d.
Brought forward				4,651	2	0

Quarantine
Station.

QUARANTINE STATION.

32. Weeding grounds, incidental repairs, and inspections	20	0	0
33. For performing several necessary repairs and to partly paint and colour buildings	40	0	0
34. To purchase a new boat	14	0	0

Burial grounds.

BURIAL GROUNDS.

35. For weeding and petty repairs to burial grounds in addition to fees	60	0	0
36. Potter's Field Cemetery. To repair fence and paint and colour boundary walls	25	0	0
37. To purchase a parcel of ground adjoining the burial ground near Fort Charlotte grounds and enclosing the same	17	0	0

Street watering.

STREET WATERING.

38. For purchase of one large water-cart, 300 gallons	53	0	0
39. For purchase of two small carts, 100 gallons each	40	0	0
40. For purchase of Aermotor or engine pumps and tank	60	0	0
41. Unforeseen expenses	7	0	0
42. For upkeep of 1 large cart requiring 2 mules and driver at 15s. per day for 90 days	67	10	0
43. For upkeep of 4 small carts requiring 1 horse and driver each at 4s. 6d. each, 18s. for 90 days	81	0	0
44. For repairs, &c.	10	0	0

Miscellaneous.

MISCELLANEOUS.

45. Unforeseen and contingent repairs and excesses necessary to any item voted to the Board.. . . .	250	0	0
	<hr/>		
		5,395	12 0

Lighthouses.

LIGHTHOUSES.

46. Hog Island. Maintenance and lighting stores and incidental repairs	100	0	0
47. To erect a dwelling for the Assistant Keeper	230	0	0
48. Athol Island. Maintenance and lighting stores	20	0	0
49. Beacon Cay. Maintenance and lighting stores	25	0	0
50. Beacon Cay. Salaries of Keepers	150	0	0
	<hr/>		
Carried forward	525	0	0

	£	s.	d.	£	s.	d.
Brought forward	525	0	0	5,395	12	0
51. Beacon Cay. For unforeseen repairs and to enable the civil engineer to visit the Cay	30	0	0			

SIGNAL STATIONS.

Signal stations.

52. Incidental repairs to huts, flagstaffs, halyards, &c.	25	0	0			
53. For a supply of new flags and repairs to old ones	50	0	0			
				630	0	0

TO THE GOVERNOR IN
COUNCIL.Governor in
Council.

LIGHTHOUSES.

Light-houses.

54. Duck Cay Light. Maintenance and incidental repairs	18	0	0			
55. Salaries of two keepers at £24 a year each	48	0	0			
56. Little Harbour Light. Maintenance and incidental repairs	18	0	0			
57. Salaries of two keepers at £24 a year each	48	0	0			
58. To re-build the light-house at Little Harbour	210	0	0			
59. To supply a new lantern	25	0	0			
60. Fresh Creek Harbour Light. Main- tenance and incidental repairs	20	0	0			
61. Governor's Harbour. Harbour Light (Cupids Cay Light) maintenance and incidental repairs	20	0	0			
62. To supply a new lantern	25	0	0			
63. Gregory Town, Harbour Light (Stafford Light) maintenance	20	0	0			
64. Amount due to keeper of Stafford Light on contract for 1898-1899	2	0	0			
65. Tarpum Bay Harbour Light for main- tenance	20	0	0			
66. Egg Island Light—maintenance and incidental repairs	18	0	0			
67. Rent of keeper's house	12	0	0			
68. Salaries of keeper and assistant keeper	48	0	0			
69. For instruments for Egg Island Light Station	12	0	0			
70. Clarence Town Harbour Light. Main- tenance	20	0	0			
71. Inagua Harbour Light, receptacle, for construction and to purchase lamp	50	0	0			
72. For maintenance	20	0	0			
				654	0	0
Carried forward				6,679	12	0

	£	s.	d.	£	s.	d.
Brought forward .. ..	..	..	..	6,679	12	0
For the maintenance of the Nassau and Out-land prisons.						
Nassau Prison.						
NASSAU PRISON.						
73. Food for prisoners	432	0	0			
74. Clothing, bedding, soap, white lime, kerosene oil, utensils, fuel, &c. ..	210	0	0			
75. Salaries and uniforms	534	7	6			
76. Out-land prisons	150	0	0			
77. Unforeseen and contingent services and any excesses on the foregoing items	100	0	0			
				1,426	7	6

Commissioners,
New Providence
Asylum.

COMMISSIONERS OF THE NEW
PROVIDENCE ASYLUM.

78. Maintenance of inmates of N. P. Asylum	1,950	0	0			
79. Clothing, bedding, and kitchen utensils	175	0	0			
80. Funeral expenses	175	0	0			
81. Alcoholic stimulants	150	0	0			
82. Salaries and uniforms	700	0	0			
83. Emptying cesspit, including a supply of carbolic	25	0	0			
84. For painting fences and roofs of out- buildings	10	0	0			
85. For cleaning grounds	5	0	0			
86. Unforeseen requirements	50	0	0			
87. Incidental repairs	40	0	0			
88. Passages of paupers to and from Out- islands, including maintenance ..	50	0	0			
89. Apprentices in Dispensary	48	0	0			
90. Out-door relief for the colony	250	0	0			
				3,628	0	0

Board of Pilot-
age.
Dredging opera-
tions.

BOARD OF PILOTAGE.

DREDGING OPERATIONS.

91. Wages of engineer, firemen, and la- bourers, supply of steam coal, en- gineer's stores, renewal of parts of machinery and incidental expenses for six months	300	0	0
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MAINTENANCE OF SIGNALMEN.

92. Wages of signalmen at Forts Fincastle and Charlotte, two at £36 per annum each	72	0	0
93. Incidentals	5	0	0
			377 0 0
Carried forward, .. ..	..	..	12,110 19 6

	£	s.	d.	£	s.	d.
Brought forward	12,110	19	6

COMMANDANT OF CONSTABULARY.

Commandant of
Constabulary.

FIRE DEPARTMENT.

Fire Depart-
ment.

94. Engineer	60	0	0			
95. Assistant engineer	50	0	0			
96. Oil, wood, coal, repairs	15	0	0			
97. Drawing to fires	10	0	0			
98. Allowance to Eastern Volunteer Fire Brigade	20	0	0			
99. Allowance to City Volunteer Fire Bri- gade	15	0	0			
100. Unforeseen expenditure in hose suction pipe, &c.	30	0	0			
				200	0	0

TO THE GOVERNOR IN
COUNCIL.Governor in
Council.

To enable the Commissioners of Public Works on the following Out-islands to perform the works and pay for the services hereinafter mentioned up to the 31st day of March, 1900, to be accounted for, that is to say :—

ABACO.

Abaco.

Cherokee Sound.

Cherokee Sound.

101. For maintenance of the existing roads and streets in the district	20	0	0			
102. For weeding and keeping clean the seaboard the entire length of the settlement	6	0	0			
103. For weeding and keeping clean the old and new burial grounds	5	0	0			
104. For yearly allowance for maintenance of a boat at the Cay landing place	6	0	0			
105. For weeding and keeping clean the Government lots, office yard, &c., in the township	2	10	0			
106. For purchasing lot No. 6 in the town- ship for a burial ground	15	0	0			
107. For opening and keeping open the road from O'Neil's Creek to the Cay	3	10	0			
108. For re-erecting burial ground fence	1	0	0			
109. For repairs to prison and outbuild- ings	3	6	0			
				62	6	0
Carried forward .. ..	..	..	..	12,373	5	6
				3	1	2

		£	s.	d.	£	s.	d.
	Brought forward .. ..	..	..	12,373	5	6	
Hope Town.	<i>Hope Town.</i>						
110.	For maintenance of existing roads and streets in the district	35	0	0			
111.	For weeding and keeping clean four burial grounds	8	0	0			
112.	For whitewashing and renewing joists and floor of closet	2	10	0			
					45	10	0
Marsh Harbour.	<i>Marsh Harbour.</i>						
113.	For repairing and keeping clean public roads	35	0	0			
114.	For keeping clean public burial grounds	4	0	0			
115.	For completing fencing of public burial ground at East Marsh Harbour	10	0	0			
116.	For weeding part of public burial ground of East Marsh Harbour ..	0	10	0			
117.	For two shovels	0	10	0			
					50	0	0
Green Turtle Cay.	<i>Green Turtle Cay.</i>						
118.	Upkeep of public roads	45	0	0			
119.	Weeding burial grounds	10	0	0			
120.	Repairs to drain	2	10	0			
121.	To provide tackle for the derrick on the public wharf	0	16	0			
122.	Repairs to Breakwater and Front Street	30	0	0			
					88	6	0
Andros Island.	<i>Andros Island.</i>						
123.	For weeding seven burial grounds ..	7	0	0			
124.	For whitewashing the three gaols in the district	1	10	0			
125.	For maintenance of the existing roads and streets in the district	30	0	0			
126.	For making road along the front of Berry Point Settlement about two miles in length	25	0	0			
127.	For rebuilding dam at Fresh Creek 400 by 8 feet	12	0	0			
128.	To improve the road from Fresh Creek to Calabash Bay Settlement	25	0	0			
129.	For making new roads through Coakley Town	10	0	0			
130.	For fencing in the burial ground at Dorsetts Mangrove Cay	8	0	0			
					118	10	0
	Carried forward .. ..	..	..	12,675	11	6	

	£	s.	d.	£	s.	d.
Brought forward	12,675	11	6

BIMINIS.

Biminis.

131. For maintenance of roads and streets in the district	15	0	0			
132. For weeding two burial grounds ..	4	0	0			
133. Upkeep of canal	3	0	0			
134. To continue macadamized road at east side of Alice Town	30	0	0			
135. To enclose the burial ground at Bayley Town	20	0	0			
				<hr/>	72	0 0

ELEUTHERA.

Eleuthera.

*Governor's Harbour.*Governor's
Harbour.

136. To weed and keep clean the roads and streets of Governor's Harbour ..	30	0	0			
137. For repairing roads and streets of Governor's Harbour	60	0	0			
138. To complete the road around the Cay	35	0	0			
139. To weed and keep clean the road to James' Cistern	20	0	0			
140. To weed and keep clean the two cemeteries	12	0	0			
141. To assist the inhabitants to fill in swamp	50	0	0			
142. To improve the road along the harbour front on the mainland side of harbour	30	0	0			
143. To deck in the new public well at the foot of Haynes Avenue	3	0	0			
144. To repair burial ground James Cistern	2	0	0			
145. To repair road to well	2	0	0			
				<hr/>	244	0 0

*Savannah Sound and Palmetto Point.*Savannah Sound
and Palmetto
Point.

146. To keep clean the road between Governor's Harbour and Savannah Sound <i>via</i> Palmetto Point ..	10	0	0			
147. To keep clean the public burial ground at Savannah Sound ..	4	0	0			
148. To keep clean the streets of Savannah Sound	6	0	0			
149. To assist the inhabitants of Palmetto Point to construct a road to the south side of the island	30	0	0			
150. To weed and keep clean the burial ground at Palmetto Point	2	0	0			
151. To assist the inhabitants to complete the fencing in of the burial ground at Palmetto Point	4	0	0			
				<hr/>	56	0 0

Carried forward 13,047 11 6

	£	s.	d.	£	s.	d.
Brought forward.	13,047	11	6

Tarpum Bay.

Tarpum Bay.

152. For maintenance of existing streets and roads	30	0	0			
153. For weeding burial ground	8	0	0			
154. To continue macadamizing Lord Street	45	0	0			
155. To complete a cross street	8	0	0			
156. To complete the cutting and filling of Park Street	8	0	0			
157. For cleaning principal drain	1	0	0			
158. For continuing the new road to Rock Sound	50	0	0			
159. For a desk for the Police Office ..	1	0	0			
160. To reconstruct the public latrine ..	5	0	0			
					156	0 0

Rock Sound.

Rock Sound.

161. For weeding and keeping clean the public streets	20	0	0			
162. For weeding and keeping clean the old burial ground	5	0	0			
163. For weeding and keeping clean the new burial ground	5	0	0			
164. For completing the raising and paving of the wharf	25	0	0			
165. For decking the watercourse of the Eastern bridge in the settlement with cedar or hardwood	2	0	0			
166. To repair and limewash the two bridges in the settlement	2	0	0			
167. To make a drain in the Eastern Dingle, with retaining walls in masonry ..	30	0	0			
168. For continuing the new road to Tarpum Bay	50	0	0			
169. For opening the road from Rock Sound to Green Castle	12	0	0			
170. To open the road to the Eastern Beach	5	0	0			
171. For purchase of implement	1	2	6			
					157	2 6

Wemyss Bight.

WEMYSS BIGHT.

172. For weeding and keeping clean the public road in the district	25	0	0			
173. For weeding and keeping clean three burial grounds	3	0	0			
174. For filling in two swampy places in the public road between Wemyss Bight and Free Town	20	0	0			
175. To deck with hardwood two water-courses in the new bridge in front of Millar's Town 12 ft. x 4 ft. ..	4	0	0			
Carried forward	52	0	0	13,360	14	0

	£	s.	d.	£	s.	d.
Brought forward	52	0	0	13,360	14	0
176. To complete the enclosing of the burial ground at Free Town ..	1	4	0			
177. To open the public road from Free Town to the north side of the island ..	3	0	0			
178. To repair the walls of the burial ground at Millar's Town	2	0	0			
179. To lengthen the new bridge in front of Millar's Town 250 feet	8	0	0			
	<hr/>			66	4	0

EXUMA.

Exuma.

180. For cleaning existing roads and streets throughout Great and Little Exuma ..	80	0	0			
181. For repairing prison outbuildings, &c. ..	5	0	0			
182. For furnishing a desk with drawers for the Resident Justice's office ..	5	0	0			
183. For digging and curbing two public wells in George Town	5	0	0			
184. To compensate William Sturup for a barn pulled down by the Local Board of Works in opening the new roads through George Town	1	0	0			
185. To cut the stone and smooth the street at George Town to the east and west of the gaol	4	0	0			
	<hr/>			100	0	0

GRAND BAHAMA.

Grand Bahama.

186. For the maintenance of roads and streets	25	0	0			
187. To re-shingle the roof of the prison, repairs and a new gate	10	0	0			
	<hr/>			35	0	0

HARBOUR ISLAND.

Harbour Island.

188. For maintenance of roads and streets at Harbour Island	50	0	0			
189. For weeding burial grounds	20	0	0			
190. For the construction of a public well on the North Beach	2	0	0			
191. For cleaning the road to Spanish Wells ..	7	0	0			
192. For repairs to crossing at Benbay Pond	7	0	0			
193. For weeding and repairing Bottom Harbour Road	10	0	0			

Upper Bogue.

Upper Bogue.

194. For maintenance of roads	4	0	0			
195. For weeding burial ground	2	0	0			

Carried forward	102	0	0	13,561	18	0
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		£	s.	d.	£	s.	d.
	Brought forward	102	0	0	13,561	18	0
Lower Bogue.	<i>Lower Bogue.</i>						
	196. For maintenance of roads	4	0	0			
	197. For weeding burial ground	2	0	0			
Spanish Wells.	<i>Spanish Wells.</i>						
	198. For maintenance of streets	5	0	0			
	199. For weeding burial grounds	4	0	0			
Bluff.	<i>Bluff.</i>						
	200. For maintenance of roads and streets	15	0	0			
	201. For weeding burial ground	2	0	0			
Current.	<i>Current.</i>						
	202. For maintenance of roads and streets	15	0	0			
	203. For weeding burial ground	2	0	0			
	204. For construction of a new cross road, including purchase of land	4	0	0			
Gregory Town.	<i>Gregory Town.</i>						
	205. For maintenance of roads and streets	20	0	0			
	206. For weeding burial ground	2	0	0			
	207. For painting flagstaff and furnishing new rigging	2	0	0			
Hatchet Bay.	<i>Hatchet Bay.</i>						
	208. For maintenance of roads	3	0	0			
	208a. For weeding burial ground	2	0	0			
					184	0	0
Inagua.	<i>INAGUA.</i>						
	209. Repairing streets	90	0	0			
	210. Weeding the burial ground	5	0	0			
	211. To refund the Resident Justice amount spent in excess of grant for repairs to Residency	5	1	9			
	212. Painting and repairs to Residency, out- buildings, and boundary walls ..	30	0	0			
	213. For making a press, pigeon-holes for letters, &c., and other fittings for the Post Office	10	0	0			
	214. For keeping Salt Pond Canal in repair and cleaning same	10	0	0			
	215. To build a new Police Station ..	60	0	0			
	216. To repair roads in connection with Salt Pond and Canal	50	0	0			
	217. For the erection of a suitable iron pier to facilitate the landing of merchan- dise	500	0	0			
					760	1	9
	Carried forward				14,505	19	9

	£	s.	d.	£	s.	d.
Brought forward .. ..	..	..	..	14,505	19	9

LONG ISLAND.

Long Island.

Clarence Town.

Clarence Town.

218. For maintenance of the streets in Clarence Town	6	0	0
219. For keeping clean the public burial ground at Clarence Town	2	8	0
220. For maintenance of the public road to Galloway's landing	6	0	0
221. For repairing tank at Residency ..	0	15	6
222. For supplying a new flagstaff at the Residency	8	10	0
223. For repairing and filling in the road along Mortimer's 250 feet	7	10	0
224. For repairing and filling in the road in the lower portion of Deadman's Cay district in two places 237 feet ..	9	0	0
225. For repairing bridge at Grey's Pond 200 feet	4	0	0
226. For repairing the road between Clarence Town and Deadman's Cay	100	0	0

144 3 6

*Sims', North End.*Sims', North
End.

227. For the maintenance of roads and streets at Sims'	2	0	0
228. For filling in and repairing the road between Sims' and Alligators Bay three miles	50	0	0
229. For the maintenance of the roads from Sims' to Pinder's Gate at the Bight	20	0	0

72 0 0

LONG CAY.

Long Cay.

230. For maintenance of public roads, Long Cay	12	0	0
231. For maintenance of public roads, Crooked Island	12	0	0
232. For maintenance of public roads, Acklin's Island	12	0	0
233. To provide halyards for flagstaff ..	0	3	0
234. To complete the macadamizing of roadway leading to South Side Bay (lower landing)	4	15	0
235. To paint shutters of the Quarantine House	1	5	4
236. For furnishing outbuildings at the Quarantine Station	25	0	0
237. To repair walls of prison yard ..	0	8	0
238. To clear upper landing road to South Side Bay	4	0	0

Carried forward	71	11	4	14,722	3	3
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	£	s.	d.	£	s.	d.
Brought forward	71	11	4	14,722	3	3
239. To paint shutters of the Lock-up at Acklin's	2	8	0			
240. To enable the inhabitants of Salina Point, Acklin's Island to make a road from Riding Point to Cornucopia, a distance of 12½ miles	50	0	0			
241. To reimburse the Resident Justice for amount expended in building Quarantine House in excess of the amount voted.. ..	0	18	3			
				124	17	7

Ragged Island.

RAGGED ISLAND.

242. For maintenance of existing roads and streets	17	0	0			
243. To weed and keep clean the burial ground	1	0	0			
244. To erect a fence on the front part of the Residency lot	7	18	0			
245. To clean out, curb and deck well Residency yard	2	16	0			
246. To weed and clean the Residency yard	1	8	0			
247. To repair the Residency walls	2	0	0			
				32	0	0

Rum Cay.

RUM CAY.

248. For maintenance of existing streets in the township	12	0	0			
249. For maintenance of road from Port Nelson to Eastern Canal	30	0	0			
250. For weeding and keeping clean the burial ground at Port Nelson	1	16	0			
251. For furnishing a press for prison use	2	0	0			
252. For furnishing a table and press for use in Revenue and Police Office	2	10	0			
253. For keeping a light at the landing place.. ..	3	10	0			
254. For limewashing the interior of the prison cells	0	10	0			
255. For improving the streets of Port Nelson	6	0	0			
256. To reimburse chairman for supplying balyards for flagstaff	0	4	0			
				58	10	0

San Salvador.

SAN SALVADOR.

Arthur's Town.

Arthur's Town.

257. For maintenance of existing roads and streets	20	0	0			
Carried forward				14,937	10	10

	£	s.	d.	£	s.	d.
Brought forward	20	0	0	14,937	10	10
258. For maintenance of four burial grounds	6	14	0			
259. To supply a new public flagstaff	5	0	0			
260. For repairs to Police Office and Prison	4	0	0			
261. To cut and open up the public road leading to Man-of-war Rock	6	0	0			
				41	14	0

The Bight.

The Bight.

262. For maintenance of existing roads and streets	50	0	0			
263. For maintenance of eight burial grounds	14	4	0			
264. For repairs to the Residency Police Office and Post Office	35	0	0			
265. For repairs to public pound at Devil's Point Settlement, and also repairs to public pound and lock-up at Port Howe Settlement	1	8	0			
266. To purchase a spar to serve as public flagstaff	5	0	0			
267. To curb the public well at Gaiter's Settlement	3	0	0			
268. To make a public pound at Knowles Settlement	4	0	0			
269. To purchase land and enclose the same as a burial ground at Cove Settlement	10	0	0			
				122	12	0

WATLING'S ISLAND.

Watling's Island.

270. For maintenance of roads and streets at Cockburn Town	15	0	0			
271. For weeding, cleaning, and repairing roads throughout the island	20	0	0			
272. For two chairs and a table cover for the Police Office	1	0	0			
273. For a Residency at Watling's Island	200	0	0			
				236	0	0

TO THE TRUSTEES OF THE
GREEN TURTLE CAY LIBRARY.Trustees of Green
Turtle Cay
Library.

274. For the rental of a room and to pay the salary of the librarian	25	0	0			
275. To assist in the purchase of new books and pay subscriptions to newspapers	20	0	0			
				45	0	0

TO THE TRUSTEES OF THE
HARBOUR ISLAND LIBRARY.Trustees of Har-
bour Island
Library.

276. To assist in purchasing books and periodicals	50	0	0			
				50	0	0
Carried forward				15,432	16	10

	£	s.	d.	£	s.	d.
Brought forward .. ..	..	..	..	15,432	16	10

Trustees of
Governor's Har-
bour Library.

TO THE TRUSTEES OF THE
GOVERNOR'S HARBOUR LIBRARY.

277. To pay the salary of a librarian, and to assist in the purchase of new books, and to pay subscriptions to newspapers	50	0	0	50	0	0
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Trustees of
Inagua Library.

TO THE TRUSTEES OF THE
INAGUA LIBRARY.

278. To assist in purchasing books and periodicals	50	0	0	50	0	0
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Trustees of
Nassau Public
Library and
Reading Room.

TO THE TRUSTEES OF THE NAS-
SAU PUBLIC LIBRARY AND
READING ROOM.

279. To enable them to purchase and re- place books, bind magazines and other works, and to meet the ex- penses of opening the institution of an evening	150	0	0	150	0	0
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Governor in
Council.

TO THE GOVERNOR IN COUNCIL.

280. For mail services	350	0	0			
281. For travelling allowances	200	0	0			
282. Cost of remittances	240	0	0			
283. Treasury and Customs expenses ..	80	0	0			
284. Press and Government cable messages	150	0	0			
285. Extra medical aid	50	0	0			
286. Rental of warehouses	65	0	0			
287. Salary of meteorological recorder ..	20	0	0			
288. Supply of barometers	15	0	0			
289. Extra boat allowance to harbour master	15	0	0			
290. Sundry boat and office allowance (including allowances to Exuma not hitherto included)	60	0	0			
291. Compilation of Blue Book	20	0	0			
292. Upkeep of telephones	8	0	0			
293. Clerical assistance to Attorney-Gen- eral	36	0	0			
294. Expenses consequent on transfer and absence on leave of Out-island Magistrates	100	0	0			
Carried forward	1,409	0	0	15,682	16	10

	£	s.	d.	£	s.	d.
Brought forward	1,409	0	0	15,682	16	10
295. Salaries unprovided for to magistrates in transit	50	0	0			
296. Travelling expenses of vaccinators ..	80	0	0			
297. To pay wages of a ferryman between Great and Little Exuma	8	0	0			
298. Miscellaneous expenses not provided for by permanent laws	300	0	0			
				1,847	0	0

TO THE SPEAKER OF THE
HOUSE OF ASSEMBLY.Speaker of the
House of As-
sembly.

299. To purchase copies of "May's Parliamentary Proceedings" and other necessary works for the use of the House of Assembly.. ..	10	0	0	10	0	0
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TO THE UNDERMENTIONED
PERSONS AS GRATUITIES.

Gratuities.

300. To Samuel Henry Ogden Clutsam, in recognition of his long services as assistant and chief clerk of the House of Assembly extending over a period of thirty-three years ..	85	0	0	85	0	0
301. To Amos Russell, ex-constable of Hope Town, Abaco, in recognition of his services	30	0	0	30	0	0
302. To Julia Sweeting, widow of Alfred Ernest Sweeting, public school teacher, in recognition of her late husband's services	100	0	0	100	0	0
303. To Julia Spero Pyfrom, widow of Joseph C. Pyfrom, public school teacher, in recognition of her late husband's services	75	0	0	75	0	0
				£17,829	16	10

III. It shall be lawful for the Governor in Council to enter into a contract or contracts for the performance for a term not exceeding one year of the following public printing, that is to say :—

For publishing of all Government and Official Notices.

For printing of the Laws annually passed by the Legislature.

For Miscellaneous Printing.

Provided, however, that before any such contract or contracts shall be entered into public notice calling for tenders shall be inserted twice in the Official Newspaper, and such contract or contracts shall be entered into with the person or persons whose tender or tenders for any

Preparing Bills,
correcting proofs
of the laws,
printing, engross-
ing, &c.

Grants resumed.

one or more of the above description of printing shall appear most beneficial for the public service either entirely or separately.

IV. It shall be lawful for the Governor to defray out of the Public Treasury the expenses incurred in preparing Bills for the present session and during the last extraordinary session, correcting and revising proofs of the "Laws of the Session" for printing, printing the same and the "Votes and Proceedings of the Legislative Council and House of Assembly," and for engrossing and other work done or services performed by order of or articles supplied for the use of either branches of the Legislature during the present session and the last extraordinary session.

V. From and after the passing of this Act all unexpended grants or balances of grants of money made to the several Boards and Commissioners of Public Works other than those which have been added to by this Act, and which remain to the credit of such Boards or Commissioners, shall be and the same are hereby resumed.

CLASS VI.

ATTENDANCE OF PUBLIC OFFICERS, PAYMENT OF SALARIES, LEAVE OF ABSENCE, COMPETITIVE EXAMINATION, AND SECURITY.

No. 1.

8 Vic. c. 39. *An Act to regulate the hours of attendance of Public Officers.* (14th May, 1845.)

PREAMBLE.

Hours of attend-
ance.

Holidays.

WHEREAS, the hours of attendance of certain of the public officers at their respective offices in Nassau differ from others, and it is expedient that they should be uniform: Be it, &c., That from and after the passing of this Act, the several public officers in Nassau shall give attendance to their respective offices from the hours of half-past nine o'clock in the morning until three in the afternoon, every day in the week, Saturdays, Sundays, and the following birthdays, viz.: the King or Prince Consort, the Queen or Queen Consort, the Prince of Wales, and Christmas Day, Ash Wednesday and Good Friday excepted; and that on every Saturday the attendance shall be from half-past nine o'clock, A.M., to twelve at noon, anything contained in any former Act or Acts of Assembly to the contrary notwithstanding.

No. 2.

13 Vic. c. 13. *An Act to authorise the payment of the Salaries of the various Public Officers, and other Salaried Servants of the Colony, otherwise than at the stated quarterly periods now fixed by Law for the making of such Payments.* (14th March, 1850.)

PREAMBLE

WHEREAS, the salaries of the various public officers and other salaried servants of the colony are now payable quarterly out of the Public Treasury of the colony, by warrant of the Governor or officer administering the Government, for such purpose to be granted; AND WHEREAS, it might prove beneficial and convenient to the public officers and other salaried servants as aforesaid, particularly to such of them as

are in the receipt of small salaries, if their respective salaries were payable to them at shorter intervals of time than the quarterly periods aforesaid: May it, &c., That from and after the passing of this Act, it shall be lawful for the Governor, or officer administering the Government of this colony for the time being, in his discretion, from time to time to grant his warrant and warrants in Council, for the payment, out of the Public Treasury of the colony, of the salaries of the several public officers, and other salaried servants of the colony, or of the salaries of such other of the said officers and other salaried servants as aforesaid, as he may deem proper, in monthly or two monthly payments, anything contained in any other Act of the General Assembly of these islands to the contrary notwithstanding.

Governor authorised to pay the salaries of public officers otherwise than quarterly.

No. 3.

24 Vic. c. 10. *An Act to regulate the Apportionment and Payment of Salaries attached to the various Public Offices of the Colony during the absence on leave of the respective holders of such Offices.* (19th April, 1861.)

WHEREAS, it is expedient that express provision should be made by law for the apportionment and payment of the salaries which are or may be attached by law to the various public offices of the colony, during the absence from the colony, on leave, of the respective holders of such offices: May it, &c.

PREAMBLE.

I. That whenever any public officer, to whose office any salary, payable out of the Public Treasury of these islands, is attached by law, shall, except as hereafter provided, quit the colony on leave, he shall thereupon at once cease to be entitled to have and receive more than one moiety of the salary attached to the office held by him; and if his absence from the colony shall extend beyond nine calendar months, he shall then cease to be entitled, during any such extended period of absence, to receive any portion whatever of the salary so as aforesaid attached to his office.

Public officer on leave to have half salary for nine months.

II. That the person appointed to perform the duties of any office the holder of which is absent on leave, as aforesaid, shall, for any period not extending beyond nine months, during which he shall act, under any such appointment, be entitled to have and receive one moiety of the salary attached to the office: Provided, however, that this section shall not extend to any person administering the Government during the absence of the Governor, who shall continue to be entitled to have and receive the salary provided for the officer administering the Government in the absence of the Governor-in-Chief, by the Act of Assembly, 10th Victoria, chapter 28.

Person appointed to perform duties of office during absence of officer to receive half salary for nine months.

III. That in every case where allowances of office-rent, boat-hire, or such like allowances are attached to any particular office, the person discharging the duties thereof during the absence of the holder shall, for the time he shall act, be entitled to receive the full amount of such allowances.

Office rent, boat hire, &c., to be paid in full.

IV. That in every case where fees are attached to an office, such fees shall be equally divided between the absent holder of the office and the person discharging the duties of the same: Provided, that the absence of such holder shall not extend over the period of nine months; but should the holder of the office continue absent from the colony beyond the period of nine months, then, and in such case, the person discharging the duties of the office shall be entitled to retain for his own use all fees received by him during such last-mentioned period.

Fees divided equally for nine months.

If holder of office absent more than nine months, person discharging duty to receive full salary.

Application of Act.

Proviso as to three months' leave of absence.

Act and part of Act repealed.

V. That if the holder of any office shall continue absent from the colony beyond the period of nine months, then and in every such case the person discharging the duties of his office shall be entitled to have and receive the entire salary and emoluments attached to the office.

VI. That this Act shall extend and apply to all offices of profit held under the Crown, whether by appointment direct from Her Majesty, or by appointment from the Governor, or which are otherwise held, subject to the sanction or approval of the Governor; and whether such offices are held by commission or otherwise, to which any salary or emoluments are attached by any Act of the General Assembly of these islands; and also to all ministers of religion and other ecclesiastical or parochial officers receiving salaries out of the Public Treasury of the colony, and to the respective salaries and emoluments attached to such several offices and receivable by such person as aforesaid.

VII. Provided always, that nothing in this Act contained shall extend, or be construed to extend, to debar or prevent Her Majesty, her heirs and successors, or the Governor or officer administering the Government for the time being, by and with the advice of the Executive Council, to grant leave of absence on full pay to any person receiving a salary, as aforesaid, for any period not exceeding three months: Provided, that the person applying for and obtaining such leave shall, with the consent and approbation of Her Majesty, her heirs and successors, or of the Governor in Council, put some fit and proper person in his place and stead, who shall be amenable and subject to all laws, orders, and regulations relating to and affecting the holders of the offices and other officers holding under the Crown.

VIII. That the following Act and part of an Act shall be and the same is hereby repealed:—Thirty-seven George the Third, chapter five, and the twenty-first section, ninth Victoria, chapter one.

No. 4.

26 Vic. c. 8. *An Act to amend the Act regulating the Hours of Attendance of Public Officers.* (Assented to 26th May, 1863.)

PREAMBLE.

WHEREAS, in and by the Act 8 Vic. c. 39, Christmas Day, and the birthdays of the King or Prince Consort, the Queen, or Queen Consort, and the Prince of Wales, are declared to be public holidays, but no provision is made for the celebration of those days as holidays when they respectively happen to fall on a Sunday; for the remedying whereof, May it, &c.

Holidays falling on Sunday to be observed the following day.

Governor authorised to appoint special holidays.

3rd December declared a public holiday.

1st January declared a public holiday.

I. That when either of the days aforesaid shall fall on a Sunday, the following day shall be observed and kept as a public holiday.

II. Whereas, there happen occasions of national or local interest, when it would be fitting to suspend the public business of the colony for one day: Be it enacted, that it shall be lawful for the Governor, or officer administering the Government for the time being to declare any day to be a public holiday, which may be deemed by him as entitled to be held as such on the grounds aforesaid.

III. That in order to mark and perpetuate the remembrance of the day on which his Royal Highness Prince Alfred landed at Nassau, in the year 1861: Be it enacted, that the third day of December in every year, unless such day falls on a Sunday, and then, and in such case, the day following shall be observed and kept as a public holiday.

IV. That the first day of January in each year be also held as a public holiday.

No. 5.

28 Vic. c. 24. *An Act to regulate the holding of Office otherwise than by permanent Appointment.* (Assented to 3rd May, 1865.)

WHEREAS particular qualifications are by law attached to various offices, without the possession of which persons cannot be appointed thereto, and certain restrictions and disabilities are annexed to the holding of office in certain cases, which qualifications, restrictions, and disabilities have been held to apply to acting officers and to the persons so temporarily appointed, and it is expedient that the law should in that respect be amended; May it, &c. **PREAMBLE.**

I. Whenever by law any qualification for the holding of any particular office is required, or any restriction is placed on or disability attached to the holder of any office, such qualification, restriction, or disability shall apply only to the permanent holder of the office, and not to the person who may be appointed temporarily to discharge the duties of such office; and any person temporarily appointed shall, notwithstanding his want of statutable or other legal qualification, be entitled to receive and take the emoluments or portion of the emoluments of the office, the duties of which he shall be appointed to discharge, in the same and the like manner as if he possessed the qualification by law attached to the permanent holding thereof: *Provided always, that nothing in this Act contained shall be construed to enable the acting assistant justice to practise as a notary public, conveyancer, or as an advocate, proctor, counsel, or solicitor, in or out of any of the courts of these islands, or in any other way whatsoever, or to remove the disabilities imposed by the sixteenth section of the twenty-first Victoria, chapter four.** **Qualification for holding office not to apply to acting appointments.**

II. The words "offices" and "office" as used in this Act, shall comprise the various judicial, civil, and ecclesiastical offices of the colony. **Offices comprised in this Act.**

No. 6.

46 Vic. c. 9. *An Act to amend the law regulating Leave of Absence to Public Officers.* (Assented to 6th March, 1883.)

I. Whenever a public officer shall obtain leave of absence under the seventh section of the 24th Victoria, chapter 10, and subject to its provisions, it shall be lawful for such public officer to reside and remain at any place or island within the colony during the period for which such leave may have been granted. **Where officers on leave may reside.**

II. All acts whatever required by law to be done and performed by such public officer, when done and performed by the person acting for and put in the place and stead of any such public officer so obtaining leave, as required by the said section, shall be as good, valid, and effectual for any and all purposes whatever, as if the same had been done and performed by the said public officer in his proper person, notwithstanding that such public officer may at the time be within the colony when the same were done and performed. **Acts of substitute to be good and valid.**

* This proviso is now inoperative, as the office of assistant justice has been abolished, and the Act 24 Vic. c. 21 repealed.

No. 7.

47 Vic. c. 7. *An Act further to amend the Laws regulating Leave of Absence to Public Officers.* (Assented to 8th April, 1884.)

Regulating leave of public officers.

I. Whenever a public officer shall obtain leave of absence for any fixed period of time, and whether the same is to be taken and enjoyed within or without the limits of the colony, it shall not be lawful for such public officer to forego any portion of the leave so obtained, and resume his appointment before the expiration thereof, without having first obtained the permission of the Governor so to do.

Acts performed by a *locum tenens* to be valid.

II. All acts done and performed by the person acting for and doing the duty of any public officer, who has obtained leave of absence, within the period for which such leave has been granted, shall be good, valid, and effectual for all purposes whatever, notwithstanding that such public officer may be within the colony at the time when such acts were done and performed.

No. 8.

51 Vic. c. 24. *An Act to provide for the Examination of Persons desirous of entering the Public Service.* (Assented to 12th April, 1888.)

Candidates for office in the public service to undergo examination.

I. From and after the passing of this Act it shall not be lawful for any person to be permanently appointed to any office under the Bahamas' Government, which is named in the Schedule A., to this Act annexed, unless and until an examination is held of the various candidates for the office in the manner to be hereinafter mentioned. Provided, however, that nothing in this section shall be construed to prevent the Governor of the colony from promoting officers now or hereafter to be in the public service to any of the said offices without examination.

Proviso.

Colonial Secretary to give notice, on a vacancy occurring, and call for applications.

II. Upon a vacancy occurring in any office in the Schedule aforesaid, and to which office no one then in the public service is to be promoted, it shall be the duty of the Colonial Secretary to give notice of the fact in the newspaper in which Government notices are for the time being published, calling for applications from persons desirous of competing for the appointment to such office.

When examination shall be held.

III. No examination of the candidates for such office shall be held until the expiration of one month after this notice shall have been given.

By whom held.

IV. The Colonial Secretary, the inspector of schools, the head of the department in which the vacancy has occurred, and two members of the Board of Education to be elected annually for such purpose by the said Board shall be the examiners in every case of the candidates for office.

Name of Board.

V. The said examiners shall constitute a Board to be known as the Board of Examiners, of which Board the Colonial Secretary shall be Chairman.

Chairman to have a casting vote.

VI. In the event of a vacancy occurring in the department of the Colonial Secretary, he shall vote as a member of the Board and be also allowed a casting vote as Chairman.

Board of Examiners to make regulations.

VII. It shall be lawful for the said Board of Examiners at any time after the passing of this Act to make regulations not inconsistent with the provisions of the Act concerning the examination of candidates and

for such other purposes as the said Board may think fit, and the members of the Board may from time to time alter or vary such regulations as to them may seem expedient, such regulations and all alterations in such regulations to be subject to the approval of the Governor in Council.

VIII. The following shall be the subjects of examination :—

Subjects of
examination.

Reading—A short paragraph from a newspaper or modern narrative.

Spelling—Dictation from newspaper or modern narrative.

Specimen of Writing—From slow dictation.

Composition—On any of a number of subjects selected by the Board.

Arithmetic—Bills of parcels, practice and simple proportion vulgar and decimal fractions interest and rate per cent.

History—On subjects to be selected by the Board.

Geography—Questions to be selected by the Board.

Grammar—Parsing and analysis of sentences.

The Board may also prescribe any special subjects they may deem proper.

IX. At the conclusion of every examination held under this Act the candidate who has satisfied the examiners—

Who deemed
successful candi-
date.

- (a) That he is within the limits of the age prescribed by this Act.
- (b) That he is free from any physical defect or disease which would be likely to interfere with the proper discharge of the duties of the office for which he has successfully competed.
- (c) That his character is such as to qualify him for the said office.
- (d) That he has proved himself to be most proficient in the various subjects of examination of any of the candidates presenting themselves at such examination, shall be entitled to be appointed to the office so successfully competed for by him, and shall be appointed thereto by the Governor.

X. No person shall be eligible for examination who shall be less than eighteen or more than thirty years of age.

Age of candidate.

XI. All applications for examination shall be accompanied with a certificate of the birth of the applicant, together with certificates of his good moral character from a minister of the Gospel and two Justices of the Peace of the colony.

Applications.

SCHEDULE.

Schedule.

Second Clerk in the Colonial Secretary's Department.

Clerk in the Office of Registrar of Records.

Book-Keeper and Clerks in the Receiver General's Department.

Clerks in the Surveyor General's Department.

Clerk to the Board of Public Works.

Clerk in the Police Office.

Letter Carrier and General Assistant in the Post Office.

Clerk of the Nassau Market.

Clerk to the Board of Pilotage.

Sanitary Inspector.

Crier of Courts.

Bailiff of the Court of Common Pleas.

Tidewaiters.

No. 9.

53 Vic. c. 15. *An Act to regulate the mode by which Public Officers shall give security for the due and faithful discharge of their duties, and for other purposes.* (Assented to 16th May, 1890.)

Title.	I. This Act may be cited for all purposes as "The Public Officers Security Act, 1890."
Defines certain words.	II. Whenever the word "surety" or "sureties," "security" or "securities" shall be used in Acts of Assembly relating to bond or bonds to be given by any public officer for the proper and faithful discharge of the duties of his office, the same shall be construed to mean and include any society in the United Kingdom of Great Britain and Ireland, the Dominion of Canada, or within the limits of this colony known as a Guarantee Society.
Mode by which future public officers may be required to give security.	III. Where a person hereafter appointed to hold any office in the colony shall be required to give security for the proper and faithful discharge of the duties of such office, it shall be lawful for the Governor, acting with the advice of the Executive Council, whenever in their opinion it may be deemed desirable so to do, to call upon such person to submit as such security any Guarantee Society established and carrying on business in any part of the United Kingdom of Great Britain and Ireland the Dominion of Canada, or within the limits of this colony, for the approval of the Governor in Council instead of the names of any person or persons.
Bond of any Guarantee Society deemed valid and effectual.	IV. It shall be lawful for the Governor in Council, upon being satisfied that the Guarantee Society submitted by any person as security for the proper and faithful discharge of the duties of such officer is of good standing, to approve of such society becoming security for such person, and any bond or bonds entered into by any such society as security for any public officer shall be as valid and effectual as bonds entered into by individuals for the same purpose.
Premiums to Guarantee Society may be paid from Public Treasury.	V. It shall be lawful for the Governor in Council to pay out of the Public Treasury, by warrant in the usual manner, the amount of all premiums which shall become due and payable to any Guarantee Society entering into any bond or bonds on behalf of any person holding office within these islands.
Repeals. Proviso.	VI. The Act 48 Victoria, chapter 12, is hereby repealed: <i>Provided</i> that such repeal shall not affect the validity of any bonds or securities given according to the provisions thereof, but such bonds and securities shall be good and valid for all purposes whatsoever, notwithstanding the Act under which they have been given and entered into is hereby repealed, and shall and may be taken as having been entered into under this Act.

No. 10.

59 Vic. c. 22. *An Act to amend "The Public Officers Security Act, 1890."* (Assented to 30th April, 1896.)

Title and construction of Act.	I. This Act may be cited as "The Public Officers Security Act Amendment Act, 1896," and shall be read together with "The Public Officers Security Act, 1890," hereinafter called the principal Act.
Repeals.	II. The enactments or parts of enactments set forth in the Schedule hereto are hereby repealed to the extent mentioned in the second column thereof.
Bonds executed by a Guarantee Society.	III. Where any society described in Section 2 of the Principal Act has with the consent of the Governor acting with the advice of the

Executive Council executed any bond guaranteeing the due and faithful discharge of the duties appertaining to any office the holder of which is bound by law to give any bond, or bond and security, for the due and faithful discharge as aforesaid, all the provisions and conditions of such law so binding such holder as aforesaid, shall be deemed to have been duly fulfilled in every respect. *Provided always* that the holder of every such office as aforesaid shall be deemed to be under the same obligations in every respect as a principal in respect of any liability incurred by him when holding such office as aforesaid, as he would have been if he had been a party as principal to any such bond as aforesaid, in respect of which any such society as aforesaid is bound as a surety. And shall also be deemed to be bound by the conditions, whether by bond or otherwise, imposed by law on the holder of any such office as aforesaid, as though he had himself entered into bond in that behalf. *Provided also* that all the provisions of the laws under which any such holder as aforesaid is bound to give bond as aforesaid, shall apply in every respect to such holder as aforesaid, as though he were in fact a party to such bond given by such society as aforesaid, and had entered into such bond under the authority of any of such laws as aforesaid.

Proviso.

Proviso.

IV. This Act shall apply to all cases where any person has been appointed to hold any such office as aforesaid, either before or after the commencement of the principal Act.

Application of Act.

V. Nothing in this Act shall render invalid or inoperative any bond or security given according to the provisions of any law in force at the commencement of this Act.

Former bonds not rendered invalid.

VI. Every such bond mentioned in the 3rd Section of this Act shall be admitted and entered of record in the office of the Registrar of Records of these islands on the same being lodged therein by the Colonial Secretary without further proof or formality, and when recorded shall be retained by the Colonial Secretary for the time being, subject to be dealt with according to the order of the Governor in Council.

Bonds to be admitted and entered of record.

SCHEDULE.

Schedule.

43 Geo. 3, c. 3	Section two, to the words "aforesaid and" inclusive.
36 Vic. c. 8	In Section eight, the words "and shall be retained by the Colonial Secretary for the time being."

CLASS VII.

SUPERANNUATION ALLOWANCES TO PUBLIC OFFICERS
AND PENSIONS TO THEIR WIDOWS AND ORPHANS.

No. 1.

25 Vic. c. 20. *An Act for granting Superannuation Allowances to Persons having held Civil Offices in the Public Service of the Colony.* (Assented to 29th April, 1862.)

WHEREAS it is expedient to provide for the superannuation of civil officers in the public service of the colony; May it, &c. :

PREAMBLE.

I. That, subject to the exceptions and provisions hereinafter contained, it shall be lawful for the Governor, acting by and with the

Superannuation allowances authorised to be granted

by the Governor, acting under the advice of a majority of the Executive Council, to persons who have served in the permanent civil service of the colony, years, 10-50ths, as more particularly specified, viz.: 10 years and upwards, and under 11 of salary.

11 years and under 12, 11-50ths and an additional allowance of 1-50th in respect of such additional year's service until a completion of 40 years, when 40-50ths may be allowed.

Proviso.

In case of severe bodily injury, an officer compelled to quit the public service before completing the period entitling him to a superannuation allowance may be awarded a gratuity.

Limited superannuation allowance may be granted to the holder of an office who may be constrained from infirmity of mind or body to leave the public service.

Unlawful to grant a superannuation allowance to any person under 60 years of age, unless under a medical certificate of infirmity of mind or body.

Person to whom a superannuation allowance may be granted before he has attained the age of 60 years, liable until he has attained that age to be called upon to fill any other office for which he may be deemed eligible.

Proviso.

advice and consent of the majority of the members of the Executive Council of the colony, from time to time, by Order in Council to grant superannuation allowances to persons who have served in any established capacity in the permanent civil service of the colony, and who receive salaries out of the Public Treasury of these islands, and for whom provision shall not have been made by Act of Assembly, or who may not be specially excepted by the authority of the Legislature of the colony, at and after the following rates (that is to say):—

To any person who shall have served ten years and upwards, and under eleven years in the civil permanent service of the colony, an annual allowance of ten-fiftieths of the annual salary of the office or offices held by him at the time of his retirement.

For eleven years and under twelve, an annual allowance of eleven-fiftieths of such annual salary, and in like manner a further addition to the annual allowance of one-fiftieth in respect of each additional year of such service until the completion of a period of forty years, when the annual allowance of forty-fiftieths may be granted; and no addition shall be made in respect of any service beyond forty years.

Provided always, that if any question should arise in any department of the public service as to the claim of any person for superannuation under this clause, such claim shall be inquired into by the Governor and Council as aforesaid, whose decision shall be final.

II. It shall be lawful for the Governor and the members of the Executive Council, as aforesaid, to grant to any person who being the holder of an office in respect of which a superannuation allowance may be granted, but not having completed the period which would have entitled him to a superannuation allowance, compelled to quit the public service by reason of severe bodily injury, occasioned without his own default in the discharge of his public duty, a gratuity not exceeding three months' pay for every two years of service, or a superannuation allowance not exceeding ten-fiftieths of the annual salary.

III. It shall be lawful for the Governor and the members of the Executive Council as aforesaid to grant to any person who, being the holder of an office in respect of which superannuation allowance may be granted, is constrained from infirmity of mind or body to leave the public service before the completion of the period which would entitle him to a superannuation allowance, such sum of money by way of gratuity as the said Governor and the members of the Executive Council as aforesaid may think proper, but so as that no such gratuity shall exceed the amount of one month's pay for each year of service.

IV. It shall not be lawful to grant any superannuation allowance under the provision of this Act to any person who shall be under sixty years of age, unless upon medical certificate to the satisfaction of the Governor and the members of the Executive Council as aforesaid, that he is incapable, from infirmity of mind or body, to discharge the duties of his situation, and that such infirmity is likely to be permanent.

V. Every person to whom a superannuation or compensation allowance shall have been granted before he shall have attained the age of sixty years shall, until he has attained that age, be liable to be called upon to fill in the colony any public office or situation under the Crown for which his previous public services may render him eligible; and if he shall decline when called upon to do so, to take upon him such office or situation, or shall decline or neglect to execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to the compensation or superannuation allowance which has been granted to him; and upon his acceptance of any such office or situation (provided the same be not of an inferior rank or position, of which

the Governor and Executive Council as aforesaid shall be the judges, and the annual salary of which shall not be less in value than the office or offices previously held by him), such compensation or annual allowance shall cease.

VI. And whereas it will be for the advantage of the public service that officers holding employments entitling them to superannuation allowances under this Act should be eligible for public employment out of the colony without forfeiting their claims to such allowances; Be it enacted, that every public officer who may be transferred from employment in this colony to employment under the Crown in any other part of Her Majesty's dominions, and who at the time of his being so transferred had completed such a period of service in this colony as to entitle him to superannuation allowance under this Act, shall on his ultimate retirement from the public service be entitled to superannuation allowance under this Act, according to the period of his service as aforesaid in the colony, subject nevertheless to the conditions hereinbefore annexed to the grant of superannuation allowances.

VII. That for the purposes of this Act, every person, except as hereinafter excepted, who shall receive a salary out of the Public Treasury of the colony, whatever the mode of appointment to the particular office may be, shall be deemed in respect of such salary to have served in the permanent civil service of the colony: Provided, however, that the following public functionaries shall be excluded from the benefits of the provisions of this Act (that is to say):—

The Governor.
The Lieutenant-Governor.
The Lord Bishop.

VIII. All orders and minutes made by the Governor and Council under the provisions of this Act shall be laid before the House of Assembly and Legislative Council within fourteen days after the making thereof, if the General Assembly be in session, and if the General Assembly be not then sitting, within fourteen days after the next meeting thereof.

IX. All superannuations, compensations, gratuities, and allowances to be granted under this Act, shall be paid to the persons entitled to receive the same, without any abatement or deduction whatever.

Officers holding employment entitling them to superannuation allowance, transferred from this colony to employment under the Crown in any other part of Her Majesty's dominions, on their ultimate retirement from the public service entitled to superannuation allowance under this Act, subject to the condition annexed to the grant of superannuation allowances.

Orders made under this Act to be laid before Legislature.

Payment of superannuations.

No. 2.

29 Vic. c. 14. *An Act to amend the Act for granting Superannuation Allowances to Persons having held Civil Offices in the Public Service of the Colony.* (Assented to 11th May, 1866.)

WHEREAS, the Act 25 Vic. c. 20, for granting superannuation allowances to persons having held civil offices in the public service of the colony, requires amendment, in the particulars hereinafter mentioned; May it, &c.

I. If any public officer shall at any time after the passing of this Act, be absent from the colony beyond the period sanctioned by the 1st section of the Act 24 Vic. c. 10, whereby the salary allotted to the office held by him shall cease to become payable to him, any such period of absence without payment of salary shall not be taken into account in computing the length of service of any such officer for the purposes of the Act to which this Act is an amendment.

PREAMBLE.

Amendment of 1st section of 24 Vic. c. 10, regarding leave of absence.

Superannuation allowance may be granted to a public officer at 55 years of age.

From and after the passing of this Act, the retiring age already herein particularly specified to be sixty years, shall for the future be and continue to be fifty-five years, and the clauses of the said Act to which this is an amendment, containing the words "sixty years" shall be construed as if fifty-five years had been originally inserted therein.*

No. 3.

30 Vic. c. 10. *An Act to amend the Law regulating the Payment of Salaries to the Officers of the House of Assembly.*

IV. Any officer of the House of Assembly who shall have served as an officer of the House for the period required by law in the case of other public officers shall, on retirement from such his office, be entitled, if of the age required by law, to superannuation at the rate fixed by the Act of Assembly, 25 Vic. c. 20.

No. 4.

33 Vic. c. 1. *An Act to reduce the Public Expenditure of the Colony.* (Assented to 29th January, 1870.)

I. This section repealed such parts of those Acts of Assembly as granted quinquennial allowances to certain public officers and clergymen.

Public officers may continue payment to Widows' and Orphans' Fund on the portion of salary taken away, or receive moiety.

II. That the several officers whose salaries are permanently reduced by this Act, shall have the right to continue to contribute to the Widows' and Orphans' Fund in respect of the portions of their respective salaries by this Act taken away, or shall be entitled to have a moiety of the respective amounts which have from time to time been contributed to the said fund in respect of such portions of salary repaid to them.

No. 5.

33 Vic. c. 21. *An Act for further reducing the Public Expenditure of the Colony.* (Assented to 13th May, 1870.)

I. By this section increases of salary which had been granted to certain public officers were taken away.

II. and III. Temporary clauses.

Contributions to Widows' and Orphans' Fund regulated.

IV. That the several officers whose salaries are reduced by this Act, shall have the right to continue to contribute to the Widows' and Orphans' Fund, in respect of the portions of their respective salaries by this Act taken away, or shall be entitled to have a moiety of the respective amounts which have from time to time been contributed to the said fund in respect of such portions of salary repaid to them.

* The age of retirement restored to 60 years by 32 Vic. c. 13.

No. 6.

35 Vic. c. 18. *An Act to consolidate and amend the provisions of the several Acts of Assembly relating to the payment of Pensions to the Widows and Orphans of Public Officers.* (Assented to 23rd May, 1872.)*

WHEREAS under the provisions of three Acts of the General Assembly of the Bahama Islands, which are respectively designated in the printed copies of the Acts aforesaid as 7 Victoria, chapter 23, 8 Victoria, chapter 42, and 13 Victoria, chapter 27, provision was made for the payment of pensions to the widows and children of deceased public officers; AND WHEREAS it is expedient to consolidate the said provisions with such amendments as may be now deemed necessary; May it, &c.

I. The 7 Victoria, chapter 23, 8 Victoria, chapter 42, and 13 Victoria, chapter 27, are hereby repealed: Provided, however, that such repeal shall not prejudicially affect any right which may have accrued under the said Acts, or either of them, or under any Act passed either wholly or in part in reference thereto; but every such right, whether actually vested or not, shall continue to have the same force, validity, and effect, as if the said Acts had not been repealed.

II. From and after the commencement of this Act it shall be the duty of the Receiver-General and Treasurer to deduct monthly from each and every salary, or allowance in the nature of salary, except as hereinafter excepted, payable out of the Public Treasury, under or by virtue of any Act of Assembly, the amounts hereinafter specified, that is to say: From every salary of £100 sterling per annum and upwards, at the rate of five pounds per centum, and on every salary of £50 sterling per annum and upwards, but under £100 sterling per annum, at the rate of three pounds per centum, all which deductions shall be carried to the credit of the fund hereinafter mentioned and referred to.

III. The salary of the Governor or officer administering the Government shall be excepted from the provisions of the 2nd section of this Act, and also the salaries of the members of the police force and school teachers: Provided always, that the members of the police force and the male school teachers shall have the option of contributing to the fund by this Act continued, as provided for by the existing laws referring to their departments respectively.

IV. and V. Repealed by 62 Vic. c. 24.

VI. All persons who at the time of the commencement of this Act were entitled to contribute to the Public Officers Widows' and Orphans' Fund under the Acts hereby repealed, or either of them, or under the authority of any other Act of Assembly, shall have the right to contribute to the fund by this Act established.

VII. Every public officer from whose salary deductions have been made under the authority of the Acts hereby repealed, or of this Act, or who has contributed to the funds aforesaid, or either of them, in respect of a salary or portion of a salary not liable to deduction, shall, in the event of his ceasing to hold office in the colony, or his ceasing to hold the particular office in respect of which such deductions or contributions shall have been made, otherwise than by promotion or transference to an office in the colony of greater or equal emolument, have the right to continue to make quarterly payments to the fund by this Act authorised to be established, equal in amount to the rate payable by him at the time of his ceasing to hold office as aforesaid, or

PREAMBLE.

Repeals certain Acts.

Receiver-General to deduct monthly a specified percentage from salaries paid out of Public Treasury.

Certain officers excepted.

Proviso.

Persons contributing under Acts hereby repealed may continue under this Act.

Privileges to officers ceasing to hold their situations.

* See 39 Vic. c. 4, *post*, No. 7 of this Class.

he shall be entitled to have a moiety of the deductions or payment made from or on account of the salary of the office heretofore held by him returned to him, and such right to receive back a moiety of payments as aforesaid may be exercised at any time, notwithstanding that the person claiming the same may have originally elected to continue to contribute to the funds aforesaid, or either of them: Provided, however, that no payment shall be made under this section until the auditor shall have reported to the Governor in Council the exact amount payable to such person, and such report shall have been confirmed by the said Governor in Council and a minute thereof made in the books of the Council.

Proviso.

Rates of pensions to widows and children of public officers.

VIII. Whenever a public officer from whose salary deductions have been made under the authority of this Act or the Acts hereby repealed, or who has contributed under the authority of this or any other Act of Assembly to the Public Officers' Widows' and Orphans' Fund, shall die, leaving a widow and a child or children, or a widow or child or children, such widow and child or children, or widow or child or children, as the case may be, shall be respectively entitled to the following pensions, to be calculated at the rates after mentioned, that is to say: To every widow at the rate of twelve pounds, to every child under ten years at the rate of four pounds, and to every child above ten years at the rate of six pounds for every hundred pounds of the salary or salaries or portion of salaries, if any, from which deductions have been made, or in respect of which contributions have been paid by the deceased officer under the authority of this or any other Act of Assembly, and so in proportion for any lesser amount of salary: Provided, however, if such widow shall marry, she shall no longer be entitled to her pension aforesaid, neither shall any male child be entitled to such pension after he shall have completed the eighteenth year of his age, nor any female after marriage.

Proviso.

Claim for pension to be approved by Governor in Council.

IX. No pension shall be payable under the preceding section until the claim of the party thereto shall have been investigated by the Governor in Council, and a minute of Council made authorising the payment thereof.

No pension to be allowed if contributions are in arrear until amount of arrear be paid up.

X. All contributions to the Public Officers' Widows' and Orphans' Fund authorised to be made by this or any other Act of Assembly shall be payable to the Receiver-General and Treasurer monthly, and no pension in respect of any such contribution shall be allowed by the Governor in Council if such contributions are in arrear for more than three months, if the party liable to pay the same died within the colony, or for more than six months if he died elsewhere, nor until the full amount of the arrear for the periods above limited shall have been paid to the Receiver-General and Treasurer, together with interest thereon.

Receiver-General authorised to make deductions from pensions of retired public officers, should they desire it in writing.

XI. It shall be competent for any person, after ceasing to hold the particular office, in respect of which deductions or contributions shall have been made, and who intends to exercise or has exercised the right to continue his contributions to the said fund, and who may be in the receipt of a pension or superannuation allowance out of the Public Treasury of the colony, to notify in writing to the Receiver-General and Treasurer his wish that that officer should deduct monthly from the pension or superannuation allowance payable to him the amount accruing due by him in respect of his contributions aforesaid; and upon the receipt by the Receiver-General and Treasurer of such written notification, he is hereby authorised and required to make monthly the necessary deductions from the pension or superannuation allowance which may be payable out of the Public Treasury to the person who may have given such notification aforesaid.

An officer whose salary may have

XII. It shall be also competent for any officer whose salary may

have been permanently reduced by any Act of Assembly, and who may have exercised the right given him by such Act to contribute to the Widows' and Orphans' Fund in respect of the portion of the salary taken away from him by the said Act, to notify in writing to the Receiver-General and Treasurer his desire that that officer should deduct monthly from the reduced salary payable to him out of the Public Treasury the amount of any contribution which may be due by him to the said fund in respect of the portion aforesaid; and thereupon and thereafter it shall be the duty of the Receiver-General and Treasurer to make such deduction monthly, in the same and the like manner as he would have done had the salary of the officer giving such notification never been reduced.

been permanently reduced may contribute to the Widows' and Orphans' Fund in respect of the portion so taken away.

XIII. No pension shall be payable under this Act until the subscriptions or deductions in respect of which the same may be claimed shall have been made continuously for and during a period of two years, nor shall the widow of any officer be entitled to such pension unless she had been married to such officer twelve months prior to his decease.

Conditions on which pensions are payable.

XIV. All pensions under this Act or the Acts hereby repealed shall be payable out of the Public Treasury monthly, by warrant of the Governor in Council: Provided always, that when a pension is claimed for a person who is residing out of the limits of the colony, it shall be lawful for the Governor in Council to require proof to be annually made that the party is alive and continues entitled to the pension claimed.

Pensions payable out of Public Treasury. Proviso.

XV. This Act shall commence and take effect on the first day of July, 1872, and may be cited for all purposes as "The Public Officers' Widows' and Orphans' Pension Act, 1872."

Commencement of title of Act.

No. 7.

39 Vic. c. 4. *An Act to amend "The Public Officers' Widows' and Orphans' Pension Act, 1872."* (Assented to 9th February, 1876.)

WHEREAS it is expedient to limit the operation of "The Widows' and Orphans' Pension Act, 1872," in manner as hereinafter provided for; May it, &c.

PREAMBLE.

I. The provisions of the said Act shall not be construed to extend to the salary of any public officer who may enter the public service of the colony after the first day of March next, nor to the widow or orphans of any such officer.

Limits operation of "Widows' and Orphans' Pension Act, 1872."

No. 8.

52 Vic. c. 27, s. 28.

XXVIII. No person now in the public service who did not hold office prior to the fourteenth day of April, 1869, shall be entitled to claim or receive superannuation allowance under the provisions of the Act of Assembly 25 Victoria, chapter 20.*

* Changed by 53 Vic. c. 23.

No. 9.

53 Vic. c. 23.

By this Act, section 28 of 52 Vic. c. 27, *ante* No. 8, is to be read as if the words "first day of June" had been originally inserted therein, instead of the words "fourteenth day of April."

No. 10.

54 Vic. c. 8. *An Act to revive the provisions of the Superannuation Act, 25 Victoria, chapter 20, with certain Amendments.* (Assented to 5th June, 1891.)

Title. I. This Act may be cited for all purposes as "The Superannuation Act, 1891."

Superannuation Act, 25 Vic. c. 20, revived with certain limitations. II. On the passing of this Act the provisions of the Act of Assembly 25 Victoria, chapter 20, shall be held and construed to apply to every person who shall have entered the public service of the colony after the thirty-first day of May 1869, anything in any other Act of Assembly to the contrary notwithstanding, with the following limitations, however,

Proviso. that is to say : *Provided, however,* that in reading the said Act for the purpose of granting superannuation allowance or a gratuity to any such person the word "fiftieths" wherever occurring in the said Act shall for the purposes of this Act be read "sixtieths." And provided also that no superannuation allowance granted under the authority of this Act shall exceed two-thirds of the salary received by any person during his tenure of office.

Suspension of superannuation allowance. III. Where a person in the receipt of superannuation allowance under this Act is appointed to any office out of the colony, the emoluments of which, together with the said allowance, exceed the salary of the office in respect of which such superannuation allowance has been granted, the said allowance shall cease to be paid while such person remains in office beyond the colony.

Full benefit of 25 Vic. c. 20, allowed in certain cases. IV. Where any person in the public service of this colony prior to the first day of June, 1869, subsequently thereto accepted an appointment abroad, but afterwards returned to the public service of this colony, such person on his ultimate retirement from office shall be entitled to claim and have superannuation allowance at the rate set forth in the Act 25 Victoria, chapter 20, as if his official service had been continuous.

No. 11.

59 Vic. c. 17. *An Act granting a Pension to Sarah Isabella Robinson, the Widow of Doctor William Robinson, late Resident-Surgeon Superintendent of the New Providence Asylum.* (Assented to 30th April, 1896.)

PREAMBLE.

WHEREAS Sarah Isabella Robinson, the widow of Doctor William Robinson, late Resident Surgeon Superintendent of the New Providence Asylum, hath by petition to the Legislature prayed that a pension might be granted to her in consideration of the public services of her late husband: And whereas it is desirable that the prayer of such petition should be granted: May it, &c.

I. From and after the passing of this Act there shall be allowed and paid out of the Public Treasury of these islands by warrant in the usual manner to Sarah Isabella Robinson, during her widowhood, a pension at the rate of fifty pounds per annum.

Grants a pension of £50 per annum to Sarah Isabella Robinson.

No. 12.

60 Vic. c. 4. *An Act to extend the provisions of the Superannuation Laws to certain subordinate Officers of the Nassau Prison.* (Assented to 14th April, 1897.)

I. This Act may be cited for all purposes as “The Superannuation Amendment Act, 1897.”

II. The provisions of the Act of Assembly, twenty-fifth Victoria, chapter twenty, as amended by “The Superannuation Act, 1891,” and the provisions of “The Superannuation Act, 1891,” shall be construed to include the following officers of the Nassau Prison upon their serving in that department for the time required to entitle them to claim superannuation under the foregoing Acts, that is to say, turnkeys and overseers.

Title of Act.

Superannuation laws extended to certain subordinate officers of the Nassau Prison.

No. 13.

60 Vic. c. 10. *An Act to fix the retiring allowance of William Elias Thomson, Superintendent of Roads in the Island of New Providence.* (Assented to 14th April, 1897.)

I. On the retirement of William Elias Thomson from the office of superintendent of roads in the Island of New Providence, he shall be entitled to superannuation allowance according to his length of service based upon the sum of one hundred and fifty pounds per annum, and it shall be lawful for the Governor and Council, acting under the provisions of the Act of Assembly, twenty-fifth Victoria, chapter twenty, to grant such superannuation allowance anything in the said Act to the contrary notwithstanding.

Retiring allowance of William Elias Thomson, superintendent of roads in the Island of New Providence, fixed.

No. 14.

60 Vic. c. 21. *An Act granting Pensions to the Widows of certain Public Officers, and to a retired Public Officer.* (Assented to 20th May, 1897.)

I. This Act may be cited for all purposes as “The Pensions Act 1897.”

II. On and after the passing of this Act there shall be allowed and paid annually out of the Public Treasury of these islands by warrant in the usual manner to each of the parties hereinafter named, and for the periods set forth, a pension at the rate respectively placed against their names, that is to say :—

To Mary Ann Duncombe, the widow of Edward E. Duncombe, late prothonotary and clerk of the Crown, during her widowhood	£30	0	0	Mary Ann Duncombe.
To Maravella Philippa Stuart, the widow of William Vesey Stuart, late Resident Justice at Fortune Island, during her widowhood	£20	0	0	Maravella Philippa Stuart.

Pensions granted.

No. 15.

60 Vic. c. 28. *An Act granting Superannuation Allowance to Samuel H. Anderson, late Sick Nurse and Schoolmaster in the Nassau Prison.* (Assented to 20th May, 1897.)

Superannuation allowance granted to Samuel H. Anderson.

I. It shall be lawful for the Governor and Executive Council under the provisions of the Superannuation Act, twenty-fifth Victoria, chapter twenty, as amended by the Superannuation Act, 1891, to grant to Samuel H. Anderson, late sick nurse and schoolmaster in the Nassau Prison, a superannuation allowance according to the said Act based upon his length of service and the salary received by him while holding the offices hereinbefore named—such superannuation allowance to commence and be paid from the date of his retirement from the said offices.

No. 16.

62 Vic. c. 24. *An Act to amend "The Public Officers' Widows' and Orphans' Pension Act, 1872."* (Assented to 28th April, 1899.)

PREAMBLE.

WHEREAS the existing mode of keeping the accounts required by the fourth and fifth sections of "The Public Officers' Widows' and Orphans' Pension Act, 1872," and the calculation of interest on the contributions made thereunder is in the present state of those accounts unnecessary: May it, &c.

Title.

I. This Act may be cited as "The Public Officers' Widows' and Orphans' Pension Amendment Act, 1899."

Repeals.

II. Sections 4 and 5 of the Act of Assembly, 35 Victoria, chapter 18 (hereinafter called the principal Act), are hereby repealed.

Receiver-General to transmit to Colonial Secretary an annual statement of Public Officers' Widows' and Orphans' Fund.

III. From and after the passing of this Act it shall be the duty of the Receiver-General and Treasurer on or before the 31st day of January in every year to transmit to the Colonial Secretary a statement in triplicate showing the contributions received and amounts paid for the year ending the 31st day of December next preceding to the widows and orphans of deceased public officers under the authority of the principal Act. And a copy of the said statement shall by the said Colonial Secretary be laid before the Governor in Council and the respective branches of the Legislature.

CLASS VIII.

AUDIT OF PUBLIC ACCOUNTS.

No. 1.

53 Vic. c. 27. *An Act to provide for the better Examination and Audit of the Public Accounts of the Colony.* (Assented to 16th May, 1890.)

PREAMBLE.

WHEREAS the present mode of examining the books and accounts of the various establishments of the colony is insufficient to answer fully the purposes intended thereby, and it is expedient that a more effectual system of audit of the accounts of the various public departments of the colony should be provided: May it, &c.

An Auditor-General to be appointed by the Governor.

I. On and after the coming into operation of this Act it shall be lawful for the Governor to appoint a fit and proper person who shall be

known and designated as the Auditor-General, whose duty it shall be carefully to audit and examine the books, accounts, and vouchers of the various public officers' departments and Boards of the colony, and to report the result of every such audit and examination as soon as practicable to the Governor of the colony in the manner hereinafter mentioned.

II. All officers and public Boards of the colony having public monies in their possession, or entrusted with the receipt, custody, and disposition of any monies by virtue of any law of the colony, shall prepare and submit for audit to the Auditor-General at the close of each of the *quarters ending on the 31st day of March, the 30th day of June, the 30th day of September, and the 31st day of December* in every year, an account showing the receipts of their respective departments during the said *quarter*, and what monies remain in their hands *on such quarter days* respectively, and any omission or refusal on the part of any officer or Board to submit such account shall be immediately reported by the Auditor-General to the Governor of the colony, as also any act on the part of any such officer or Board tending to obstruct the Auditor-General in the proper performance of his duties.*

Quarterly accounts of all officers and public Boards to be submitted for audit.

III. All objections to any items of expenditure or matter contained in such accounts shall be immediately communicated by the Auditor-General to the head of the department concerned, and if the objections shall not be answered to his satisfaction by the officer to whom they are submitted, they shall be referred by the Auditor-General to the Governor in Council, who shall determine in what manner the items or matter in question shall be entered, or whether the same shall be allowed, and attention shall be called in all reports to every case in which sufficient proof of any payment is not given, or in which any grant is exceeded, or when a grant has not been applied in the manner directed by law, and to all matters to which exception has been taken by the Auditor-General.

Objections to items of expenditure how dealt with.

IV. The Auditor-General shall, on the last day in each and every of the *quarters named in the second section of this Act*, or the following day in case such last day shall fall on a Sunday or a public holiday, personally visit the offices of all public departments and Boards of the colony, in the Island of New Providence, and ascertain by duly counting and examining the same the exact amount of monies and securities for monies then in the possession of the officer in charge of each department or Board having public moneys in his possession, or entrusted with the receipt, custody, and disposition of any monies, or securities for monies by virtue of any law of the colony.

Offices of public departments and Boards to be visited quarterly by Auditor-General.

He shall also for a similar purpose visit once in every *quarter* all such offices at such other time as he may please, of which visit no previous intimation shall be given, and it shall be the duty of the said Auditor-General to at once report the result of all such visits to the Governor of the colony in the manner hereinafter mentioned.†

V. All reports shall be made to the Governor through the Secretary of the colony, whose duty it shall be to bring to the notice of the Governor in Council any delay on the part of the Auditor-General in making his report on the audit of *quarterly* accounts or visits of inspection as required by this Act.‡

Duty of Colonial Secretary.

VI. It shall be the duty of all public officers of the colony to render every assistance to the Auditor-General which may be necessary in the audit of their respective accounts, and to afford him the freest

Duty of public officers.

* The words in italics in this section have been repealed by 58 Vic. c. 30 and 59 Vic. c. 7, *post*, Nos. 2 and 3 of this Class, and other words enacted requiring that the accounts shall be prepared and submitted monthly instead of quarterly.

† See 58 Vic. c. 30 and 59 Vic. c. 7, *post*, Nos. 2 and 3 of this Class.

access at all times to the books, accounts, and vouchers of their respective departments. They shall also afford him every help in ascertaining the amount of public monies and securities for monies in their possession at such times as he may visit their respective offices for this purpose.

Yearly report to be made by Auditor-General to Governor in Council.

VII. The Auditor-General shall in the month of February in each and every year prepare and submit to the Governor in Council a report upon the audit of the previous year, which shall contain all matters relating to the audit of accounts and inspection of balances of the various departments and Boards which may have been noticed in his previous reports to the Governor, and such report shall be laid before the Legislature as soon as practicable thereafter.

Inspection and examination of books, accounts, and vouchers by Auditor-General.

VIII. The books, accounts, and vouchers of all public establishments and Boards on the islands of the colony other than New Providence, shall be inspected and examined by the Auditor-General in the manner to be regulated by rules to be framed as hereinafter provided for.

Salary.

IX. There shall be allowed and paid to the person appointed Auditor-General under this Act out of the Public Treasury, by warrant in the usual manner, a salary at the rate of £350 per annum.*

Repeals.

X. Repealed by 58 Vic. c. 30.

XI. The following parts of Acts shall be and the same are hereby repealed :—

5th section of 51 Victoria, chapter 25.

6th section of 52 Victoria, chapter 27.

and

the words “and Auditor of Public Accounts” in the Schedule A annexed to the last Act under the head “Colonial Secretary’s Department.”

Title.

XII. This Act may be cited as “The Audit Act, 1890.”

When Act shall come into force.

XIII. This Act shall not come into operation unless and until the officer administering the Government notifies by proclamation that it is Her Majesty’s pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the officer administering the Government shall notify by the same or any other proclamation.†

No. 2.

58 Vic. c. 30. *An Act to amend the Act of Assembly, 53 Victoria, chapter 27, providing for the auditing of Public Accounts, and for other purposes.* (Assented to 7th June, 1895.)

Title of principal Act.

I. The Act of Assembly, 53 Victoria, chapter 27 (hereinafter called “The Principal Act,”) may be cited for all purposes as “The Audit Act, 1890.”

Word “month” inserted in lieu of other words.

II. In reading hereafter the second section of the principal Act, the following words and figures therein shall be omitted, “of the quarters ending on the 31st day of March, the 30th day of June, the 30th day of September, and the 31st day of December,” and the word “month” inserted and read in lieu thereof.

Word “month” inserted in lieu of other words.

III. In reading hereafter the fourth section of the principal Act, the words “of the quarters named in the second section of this Act,” and

* Prospectively reduced to £300 by 58 Vic. c. 32.

† Came into operation 23rd August, 1890.

the word "quarter" shall be omitted, and the word "month" inserted and read in lieu thereof respectively.

IV. The tenth section of the principal Act is hereby repealed.

V. The following shall be hereafter inserted and read as the tenth section of the principal Act:—

X. It shall be lawful for the Governor, acting with the advice of the Executive Council, to make and issue all such rules, orders, regulations, and instructions as may be necessary for the proper keeping and auditing of the public accounts of the colony, for the guidance and control of public officers in charge of and dealing with public monies, and for clearly defining the duties of the Receiver-General and Treasurer and Auditor-General, and all such rules, orders, regulations, and instructions from time to time, to change, revoke, and annul, as occasion may require, all which rules, orders, regulations, and instructions shall have the force and effect of law.

VI. It shall be lawful for the Governor to approve from time to time during each month of the year, as necessity may arise, all claims against the Government which have been duly examined and certified by the Receiver-General and Treasurer or other proper authority, and to direct the payment of the same out of the Public Treasury until the next meeting of the Executive Council, when all such payments shall be submitted for confirmation, anything in any Act of Assembly to the contrary notwithstanding.

Repeals.

Substitutes.

Rules to be made by Governor and Council.

Claims against the Government may be advanced from the Public Treasury during each month.

No. 3.

59 Vic. c. 7. *An Act to amend "The Audit Act, 1890."* (Assented to 20th March, 1896.)

I. This Act may be cited for all purposes as "The Audit Amendment Act, 1896."

Title of Act.

II. In reading hereafter the second section of "The Audit Act, 1890," the word "quarter" in the ninth line of such section, and the words "on such quarter days," in the ninth and tenth lines of such section, shall be omitted, and in lieu thereof the word "month" shall be substituted and read for the word "quarter;" and the words "at the end of such month" shall be substituted and read for the words "on such quarter days."

Amends section 2 of "The Audit Act 1890."

III. In reading hereafter the fourth and fifth sections of "The Audit Act, 1890," the word "quarter" in the twelfth and thirteenth lines of the first-named section shall be omitted, and the word "month" substituted and read in lieu thereof; and the word "quarterly" in the fourth line of the last-named section shall be omitted, and the word "monthly" substituted and read in lieu thereof,

Amends sections 4 and 5 of "The Audit Act 1890."

IV. Nothing contained in this Act and the Act 58 Victoria, chapter 30, shall be held to apply to the books, accounts, and vouchers of the various district postmasters of the colony, the auditing of which shall be conducted and controlled by the provisions of "The Audit Act, 1890," notwithstanding the passing of this Act and the Act 58 Victoria, chapter 30.

Accounts of district postmasters not affected by this Act and Act 58 Vic. P. 30.

CLASS IX.

CONTINUING ACTS.

No. 1.

52 Vic. c. 6. *An Act to extend the time fixed for building out certain Abutment Lots in the Island of New Providence.* (Assented to 9th May, 1889.)

PREAMBLE.

WHEREAS by the first section of the 27 Victoria, chapter 5, it was enacted that the proprietors of the several lots of land fronting northwardly on Bay Street in the city of Nassau, and situated between Parliament Street to the east and Fleming Square to the west, should have full power and authority, at any time in the five years from the passing of the said Act, to build out the abutments lying in front of their respective lots into the harbour of Nassau to the extent in such Act particularly mentioned.

AND WHEREAS, by the sixth section of the said Act a similar power was given to the proprietors of certain other lots of land lying to the eastward of the main public abutment in the city of Nassau.

AND WHEREAS, the operation of the said sections has been extended by an Act of Assembly, the provisions of which will expire with the present session, and it is expedient that the same should be continued. May, it &c.

Extends the time for building out abutments.

I. The proprietors of any or either of the lots of land in the said sections mentioned and referred to who may not yet have availed themselves of the privileges by the said sections given of building out their respective abutments as is in and by the said sections or either of them provided for, shall have, and they are hereby allowed, a further period of ten years from the passing of this Act for building out and completing their respective abutments, as is in and by the said Act provided for.

Privileges of 27 Vic. c. 5 extends to this Act.

II. All abutments built out under the authority of this Act shall in all respects be dealt with and treated as if they had been built out under the provisions of the said Act of the twenty-seventh year of Her Majesty's reign, chapter five, and the proprietors shall have the same and the like privileges with respect thereto as are given by the said Act to the proprietors of abutments built out under its provisions.

No. 2.

52 Vic. c. 16. *An Act to continue in force certain Acts of Assembly which will expire with the present Session, and for other purposes.* (Assented to 9th May, 1889.)

Expiring Acts continued in force.

I. The following Acts and parts of Acts, except where the same have been amended or repealed by any other Acts, shall continue in force from the passing hereof for a period of ten years, and from thence to the end of the then next session of Assembly, that is to say:—

- 13 Victoria, chapter 8.
- 30 Victoria, chapter 12.
- 20 Victoria, chapter 4.
- 23 Victoria, chapter 10.
- 40 Victoria, chapter 9.
- 41 Victoria, chapter 3.
- 48 Victoria, chapter 3.

II. The provisions of the Act 40 Victoria, chapter 9, hereby continued, shall not be held to apply to grants, leases, or other deeds issued by or on behalf of the Crown.

40 Vic., cap. 9 not to apply to Crown grants, &c.

III. The Act 46 Victoria, chapter 16, excepting the preamble thereof, and the following words in the first clause "shall be liable to contribute towards the support and maintenance of any paid fire brigade formed within the aforesaid island under and by virtue of any Act of Assembly passed during the present session of Assembly," shall be and the same is hereby continued in force for a period of ten years, and from thence to the end of the then next session of Assembly.

Act 46 Vic., cap. 16, with certain exceptions, continued in force.

No. 3.

58 Vic. c. 17. *An Act to continue in force certain Acts of Assembly which will expire with the present Session.* (Assented to 26th April, 1895.)

I. The Acts of Assembly, 37 Victoria, chapter 19, excepting so far as the same may have been repealed or altered by any other Act or Acts of Assembly; and the Acts of Assembly, 51 Victoria, chapter 15, 52 Victoria, chapter 10, and the 55 Victoria, chapter 17, shall be and the same are hereby continued in force for the period of ten years from the passing thereof, and from thence to the end of the then next session of Assembly.

Acts continued in force.

No. 4.

59 Vic. c. 21. *An Act to continue in force the Acts relating to the Sponge and Turtle Fishery, with certain Amendments.* (Assented to 30th April, 1896.)

See Act *in extenso*, ante Part VII., Class VIII., No. 11.

No. 5.

60 Vic. c. 27. *An Act to continue in force certain Acts of Assembly which will expire with the present Session.* (Assented to 20th May, 1897.)

I. This Act may be cited for all purposes as "The Expiring Laws Title Continuance Act, 1897."

II. The Act of Assembly, 39 Victoria, chapter 18, and the Education Act, 1886, except where the same has been amended or repealed by any other Act or Acts, and the 51 Victoria, chapter 17, 52 Victoria, chapter 19, 54 Victoria, chapter 10, and 55 Victoria, chapter 15, shall continue in force from the passing of this Act for a period of ten years, and from thence to the end of the then next session of Assembly. Provided however, that in reading hereafter "The Education Act, 1886," the word "twelve" in the twenty-fourth and twenty-fifth sections thereof shall be omitted, and the word "thirteen" inserted therein and read in lieu thereof.

Acts continued in force.

Proviso.

III. The constable of the Board of Education shall have authority to enter any yard between the hours of eight of the clock in the morning and five of the clock in the evening of any day except Sunday, and there make inquiries of any person occupying any house in such yard as to

Power of constable of Board of Education.

any child who may there reside or be employed ; and every person who shall hinder or obstruct such constable in the performance of his duty, or who shall wilfully make any false representations to him with respect to the age or employment of any child, whether such child shall be under the age of six years or not, or who shall wilfully refuse to afford to such constable reasonably requiring the same any information of which such person shall be possessed as to the age or employment of any child, whether such child shall be under the age of six years or not, shall be guilty of an offence punishable on summary conviction, and on conviction shall be liable to a penalty not exceeding twenty shillings.

No. 6.

61 *Vic. c. 9. An Act to continue in force certain Acts of Assembly which will expire with the present Session, and for other purposes.* (Assented to 26th January, 1898.)

Acts continued in force.

I. All Acts of Assembly now in force, and which would expire at the termination of the present session, shall be and the same are hereby continued in force thence to the end of the then next session of the General Assembly and no longer.

Expiring Acts of Assembly to continue in force until expiration of annual session.

II. After the passing of this Act, whenever it shall so happen that a special session of the Assembly shall be convened, all Acts of Assembly that would expire with the termination of the approaching annual session shall continue in force until the expiration of such annual session, notwithstanding the holding of any such special session.

No. 7.

61 *Vic. c. 18. An Act to continue in force certain Acts of Assembly which will expire with the present Session.* (Assented to 31st May, 1898.)

Acts continued in force.

I. The following Acts, except where the same have been amended or repealed by any other Acts, shall continue in force from the passing hereof for a period of ten years, and from thence to the end of the then next Session of Assembly, that is to say :—

- 4 William IV, chapter 2.
- 2 Victoria, chapter 10.
- 21 Victoria, chapter 1.
- 21 Victoria, chapter 9.
- 21 Victoria, chapter 18.
- 22 Victoria, chapter 12.
- 28 Victoria, chapter 14.
- 29 Victoria, chapter 16.
- 29 Victoria, chapter 19.
- 34 Victoria, chapter 19.
- 37 Victoria, chapter 9.
- 38 Victoria, chapter 21.
- 41 Victoria, chapter 6.
- 43 Victoria, chapter 3.
- 43 Victoria, chapter 4.
- 43 Victoria, chapter 5.
- 49 Victoria, chapter 3.
- 49 Victoria, chapter 9.
- 54 Victoria, chapter 13.

No. 8.

62 Vic. c. 12. *An Act to amend "The Expiring Laws Continuance Act, 1897."* (Assented to 20th April, 1899.)

I. This Act may be cited as "The Expiring Laws Continuance Act 1897 Amendment Act 1899." Title.

II. In reading hereafter the second section of "The Expiring Laws Continuance Act, 1897," hereinafter called the principal Act, the words and figures "and the Acts 51 Victoria, chapter 17, 52 Victoria, chapter 19, 54 Victoria, chapter 10, and 55 Victoria, chapter 15," shall be inserted and read after the word "Acts" in the third line of such section as if the same had been originally inserted therein, and in any future publication of the principal Act it shall be lawful to print the said section as hereby amended. Amends "The Expiring Laws Continuance Act, 1897."

No. 9.

62 Vic. c. 22. *An Act to continue in force a certain Act of Assembly which will expire with the present Session.* (Assented to 20th April, 1899.)

I. The Act of Assembly, 50 Victoria, chapter 12, shall be and the same is hereby continued in force for a period of five years from the passing hereof, and from thence to the end of the then next session of the Assembly, with the amendment hereinafter contained. Act 50 Victoria, chapter 12, continued in force.

II. In reading hereafter sub-section (f) of the 3rd section of 50 Victoria, chapter 12, the word "two" in the 6th line of such sub-section shall be omitted and the word "five" inserted and read in lieu thereof. Amends.

CLASS X.**REPEALING ACTS.****No. 1.**

28 Vic. c. 29. *An Act to repeal certain Acts and parts of Acts relating to certain Criminal Offences.* (Assented to 3rd May, 1865.)

I. Repealed certain Acts which were not included in the compilation of the "Laws of 1877."

II. On and from the said first day of December in the present year 1865, the following Acts shall be repealed to the extent hereinafter mentioned, that is to say:— Certain parts of Acts repealed after December 1st, 1865.

4 Wm. IV., ch. 25.,
 6, 7 and 8th sections,

4 Vic. ch. 30,

So far as the same extends to the colony, the Act of the Imperial Parliament, 7 George IV., ch. 18.

12 Vic. ch. 19,
 1, 2 and 3rd sections,

15 Vic. ch. 3,

4, 10, 12, 13, 14, 15, 16, 25, 26, 27, 28, and 29th sections, and so much of the 36th section as relates to any indecent assault, or any assault

occasioning actual bodily harm, or any attempt to have carnal knowledge of a girl under twelve years of age.

21 Vic. ch. 1,
33, 34, 35, 36, 37, 38 and 39th sections,

23 Vic. ch. 23,

So far as the same extends to the colony, the Acts of the Imperial Parliament,

20 & 21 Vic. ch. 54, and
21 and 22 Vic. ch. 47.

All offences committed against the Acts or parts of Acts repealed as above, prior to this Act coming into operation, to be dealt with as though this Act was not in existence.

III. Provided, that every offence which shall have been wholly or partly committed against any of the said Acts, or parts of Acts, before this Act comes into operation, shall be dealt with, inquired of, tried, determined, and punished; and every penalty in respect of any such offence shall be recovered in the same manner as if the said Acts and parts of Acts had not been repealed; and that every act duly done, and every warrant and other instrument duly made or granted, before this Act comes into operation, shall continue and be of the same force and effect as if the said Acts and parts of Acts had not been repealed; and that every right, liability, privilege and protection in respect of any matter or thing committed or done before this Act comes into operation shall continue and be of the same force and effect as if the said Acts and parts of Acts had not been repealed; and that every action, prosecution, and other proceeding which shall have been commenced before this Act comes into operation, or shall thereafter be commenced, in respect of any such matter or thing, may be prosecuted, continued and defended in the same manner as if the said Acts and parts of Acts had not been repealed.

No. 2.

29 Vic. c. 2. *An Act to repeal certain Portions of the Criminal Law Statutes, 1865.* (Assented to 27th March, 1866.)

PREAMBLE.

WHEREAS it is expedient that the parts hereinafter mentioned of the Criminal Law Statutes of 1865 should be repealed: May it, &c.

Certain sections of criminal law statutes repealed

From and after the passing of this Act the following parts of the hereinbefore-referred to statutes shall be and the same are hereby repealed, that is to say:—

So much of the 48th section of the 28th Victoria, c. 3, as refers to a second marriage celebrated elsewhere than in the Bahama Islands:—

and

The 57th section of the said Act;

also

The 56th section of the 28 Vic. c. 31;

and

The 101st section of 28 Vic. c. 27.

No. 3.

35 Vic. c. 5. *An Act to explain the Act 33 Vic. c. 9, for the abolition of Imprisonment for Debt and for the punishment of Fraudulent Debtors.* (Assented to 14th March, 1872.)

WHEREAS in and by the 3rd section of the Act 33 Vic. c. 9, for the abolition of imprisonment for debt and for the punishment of fraudulent debtors, it is enacted "That all Acts and parts of Acts of the General Assembly of the Bahama Islands heretofore enacted, which are repugnant to the provisions of this Act, shall be and the same are hereby repealed."

And whereas it is expedient specially to designate the enactments which come within the operation of the 3rd section; May it, &c.

The following enactments and no other shall be deemed and held to come within the operation of the said 3rd section of the said Act of the 33rd year of Her Majesty's reign, that is to say:—

Enactments
coming within
operation of and
repealed by Act
33 Vic. c. 9.

The 4th and 6th sections 43 Geo. III., c. 3.

The 3rd section 45 Geo. III., c. 21.

The 3rd, 5th, 6th, 7th, 8th, 9th, and 10th sections 8 Vic. c. 23, and the Schedule to the said Act.

The 14th section 8 Vic. c. 30.

The 102nd and 103rd sections 17 Vic. c. 20.

The 43rd, 44th, and 45th sections 23 Vic. c. 19.

The 20th, 21st, and 22nd sections 23 Vic. c. 25.

The 10th and 11th sections 29 Vic. c. 34, with the Schedule to the said Act; and

The 30th Vic. c. 2.

No. 4.

38 Vic. c. 6. *An Act to repeal certain Acts and Parts of Acts of Assembly therein mentioned.* (Assented to 17th March, 1875.)

This Act repeals, among other Acts of Assembly not appearing in this compilation, the following, that is to say:—

So much of the Act 11 Victoria, chapter 4, as regulates the form of oath to be taken under the said Act; the 4th section of the 30th Victoria, chapter 8, and so much of the 7th section of the said last-mentioned Act as requires the officers in the said section mentioned to take and subscribe the form of oath therein set forth, and as prescribes any such form of oath.

The form of oath in these cases is now regulated by 37 Vic. c. 5, *ante* Part I., Class VIII., No. 3.

No. 5.

50 Vic. c. 4. *An Act to repeal the Act of Assembly, 37 Victoria, chapter 3, entitled "An Act for establishing Telegraphic Communication between the Bahama Islands and Parts beyond the limits of the Government."* (Assented to 6th May, 1887.)

I. On the passing of this Act, the Act of Assembly 37 Victoria, chapter 3, shall be and the same is hereby repealed.

No. 6.

54 Vic. c. 17. *An Act to relieve certain Inhabitants of the Colony from the payment of Money advanced under authority of Act of Assembly, 30 Victoria, chapter 1.* (Assented to 5th June, 1891.)

I. II. and III. Sections authorise the destruction of all notes taken under the Act 30 Victoria, chapter 1, and discharge from lien and liability property which became charged with the repayment of all loans made under such Act.

IV. Repeals 30 Victoria, chapter 1.

No. 7.

60 Vic. c. 32. *An Act to repeal the Act of Assembly, 53 Victoria, chapter 14, entitled "An Act to authorise the erection of a Custom House for the Port of Nassau, and for other purposes."* (Reserved for the signification of Her Majesty's pleasure, 20th May, 1897.)*

Repeals.

I. From and after the passing of this Act the Act of Assembly 53 Victoria, chapter 14, shall be and the same is hereby repealed.

No. 8.

62 Vic. c. 26. *An Act to repeal certain Acts and Parts of Acts of the General Assembly of these Islands.* (Assented to 28th April, 1899.)

PREAMBLE.

WHEREAS various Imperial Statutes which have from time to time been extended to these islands have since been expressly repealed in the United Kingdom, and others have become obsolete.

And whereas certain Acts and parts of Acts of Assembly of these islands have become obsolete, while others have been indirectly repealed, or have been spent, or are no longer operative.

And whereas in view of an early compilation of the "Laws of the Colony" it is expedient that all such Statutes and enactments should be expressly repealed. May it, &c.

Title.

I. This Act may be cited as "The Repealing Act 1899."

Repeals.

II. So much of any Act or part of any Act of Assembly as declares in force in the Bahama Islands the Statutes of the Imperial Parliament set forth in the Schedule A. hereto, shall be and the same is hereby repealed to the extent set forth in the third column thereof.

Repeals.

III. The Acts and parts of Acts of Assembly set forth in Schedule B. hereto shall be and the same are hereby repealed to the extent set forth in the third column thereof.

* Notified in Official Gazette of 18th September, 1897, that Her Majesty would not be advised to disallow this Act.

SCHEDULE A.

Statute.	Subject.	Extent of Repeal.
3 Edw. 1, c. 30	Extortion	The whole Act.
3 Edw. 1, c. 33	Barretors... ..	The whole Act.
50 Edw. 3, c. 6	Fraudulent Assurances ...	The whole Act.
17 Rich. 2, c. 6	Chancery	The whole Act.
3 Hen. 7, c. 4	Fraudulent Deeds	The whole Act.
3 Hen. 7, c. 10	Error	The whole Act.
4 Hen. 7, c. 12	Justices of the Peace ...	The whole Act.
27 Hen. 8, c. 4	Offences at Sea	The whole Act.
32 Hen. 8, c. 30	Jeofails	The whole Act.
18 Eliz. c. 5	Penal	The whole Act.
18 Eliz. c. 14	Jeofails	The whole Act.
27 Eliz. c. 5	Pleadings	The whole Act.
1 James 1, c. 13... ..	Execution	The whole Act.
4 James 1, c. 3	Costs	The whole Act.
21 James 1, c. 13... ..	Jeofails	The whole Act.
13 Chas. 2, stat. 2, c. 2 ...	Contempt, Costs	The whole Act.
16 & 17 Chas. 2, c. 8 ...	Pleadings	The whole Act.
17 Chas. 2, c. 7	Avowries... ..	The whole Act.
17 Chas. 2, c. 8	Abatement	The whole Act.
9 & 10 Wm. 3, c. 15 ...	Arbitration	The whole Act.
9 & 10 Wm. 3, c. 17 ...	Exchange	The whole Act.
3 & 4 Anne, c. 9	Importation	The whole Act.
5 Anne, c. 9	Escape	The whole Act.
5 Geo. 1, c. 13	Error	The whole Act.
2 Geo. 2, c. 22	Set off	The whole Act.
8 Geo. 2, c. 24	Set off	The whole Act.
14 Geo. 2, c. 17	Trials	The whole Act.
6 & 7 Wm. 4, c. 111 ...	Convictions	The whole Act.

SCHEDULE B.

Statute.	Subject.	Extent of Repeal.
24 Geo. 3, c. 2	Burial Ground	The whole Act.
28 Geo. 3, c. 1	Currency... ..	The whole Act.
52 Geo. 3, c. 15	Chamber of Commerce... ..	The whole Act.
9 Geo. 4, c. 18	Currency... ..	The whole Act.
4 Wm. 4, c. 1	Civil Disabilities	The whole Act.
5 Wm. 4, c. 9	Civil Disabilities	The whole Act.
3 Vic. c. 11	Salaries	The whole Act.
3 Vic. c. 12	Salaries	The whole Act.
8 Vic. c. 49	Currency... ..	The whole Act.
9 Vic. c. 23	Salaries	The whole Act.
11 Vic. c. 2	Customs	The whole Act.
12 Vic. c. 8	Magistrate	12th Section.
13 Vic. c. 23	Currency... ..	The whole Act.
17 Vic. c. 16	Bahama Institute	The whole Act.
22 Vic. c. 16	Bahama Marine Insur- ance Company	The whole Act.
25 Vic. c. 15	Registrar of Records ...	The words "save and ex- cept that he shall be <i>ex</i> <i>officio</i> Registrar of the Courts of Ordinary and Chancery" in section 1.
26 Vic. c. 16	Care of Liberated Africans	The whole Act.
27 Vic. c. 29	Asylum	Sections 3, 4, 5.

SCHEDULE B—*cont.*

Statute.			Subject.	Extent of Repeal.
31 Vic. c. 4	...	...	Companies	All the words after the word "Records" in the 11th line of section 8.
39 Vic. c. 10	...	...	Asylum	Sections 8, 9, and 11.
45 Vic. c. 8	...	...	Importation of Liquor ...	The whole Act.
48 Vic. c. 3	...	...	Stamps	The preamble and the words "and cheques" in section 1.
48 Vic. c. 13	...	...	Summary Jurisdiction ...	The whole Act.
50 Vic. c. 16	...	...	Hospital Ward	The whole Act.
52 Vic. c. 14	...	...	Inter-insular Mail Steam Service	The whole Act.
52 Vic. c. 23	...	...	Stamps on Patents ...	Section 22.
55 Vic. c. 21	...	...	Inter-insular Mail Steam Service	The whole Act.

ADDENDA.

Table of Acts inserted in the compilation of the Laws of 1877 which are not inserted in this compilation, having since that date been suspended, expired, or repealed, together with the suspending and repealing Acts.

Acts Suspended or Repealed.	Acts Suspending and Repealing, &c.	Page.
24 Geo. 3, c. 2 ...	Repealed by 62 Vic. c. 26	904
28 Geo. 3, c. 1 ...	" 59 Vic. c. 26	904
39 Geo. 3, c. 2 ...	" 59 Vic. c. 26	99
40 Geo. 3, c. 7 ...	Suspended by 48 & 49 Vic. c. 29	8
44 Geo. 3, c. 14 ...	Repealed by 55 Vic. c. 9	488
47 Geo. 3, c. 1 ...	Suspended by 48 & 49 Vic. c. 29	8
50 Geo. 3, c. 6 ...	" " " " " " " " " " " "	8
52 Geo. 3, c. 15 ...	Repealed by 62 Vic. c. 26	904
2 Geo. 4, c. 32 ...	" 59 Vic. c. 26	99
5 Geo. 4, c. 7 ...	Suspended by 48 & 49 Vic. c. 29	8
9 Geo. 4, c. 18 ...	Repealed by 62 Vic. c. 26	904
1 Wm. 4, c. 6 ...	Suspended by 48 & 49 Vic. c. 29	8
4 Wm. 4, c. 1 ...	Repealed by 62 Vic. c. 26	904
4 Wm. 4, c. 3 ...	Suspended by 48 & 49 Vic. c. 29	8
5 Wm. 4, c. 9 ...	Repealed by 62 Vic. c. 26	904
5 Wm. 4, c. 18 ...	" 59 Vic. c. 26	99
5 Wm. 4, c. 39 ...	" 49 Vic. c. 8	826
6 Wm. 4, c. 7 ...	" 58 Vic. c. 26	445
6 Wm. 4, c. 18 ...	" 49 Vic. c. 8	826
1 Vic. c. 8 ...	" " " " " " " " " " " "	826
2 Vic. c. 9 ...	" 59 Vic. c. 26	99
3 Vic. c. 11 ...	" 62 Vic. c. 26	904
3 Vic. c. 12 ...	" " " " " " " " " " " "	904
4 Vic. c. 2 ...	" 49 Vic. c. 8	826
6 Vic. c. 2 ...	" " " " " " " " " " " "	826
7 Vic. c. 9 ...	Suspended by 48 & 49 Vic. c. 29	8
8 Vic. c. 11 ...	" " " " " " " " " " " "	8
8 Vic. c. 29 ...	" " " " " " " " " " " "	8
8 Vic. c. 49 ...	Repealed by 62 Vic. c. 26	904
9 Vic. c. 23 ...	" " " " " " " " " " " "	904
10 Vic. c. 11 ...	" 59 Vic. c. 27	313
10 Vic. c. 12 ...	" 59 Vic. c. 26	99
10 Vic. c. 30 ...	" " " " " " " " " " " "	99
10 Vic. c. 34 ...	" 40 Vic. c. 4	143
11 Vic. c. 2 ...	" 62 Vic. c. 26	904
11 Vic. c. 27 ...	" 59 Vic. c. 26	99
12 Vic. c. 7 ...	" 59 Vic. c. 27	313
12 Vic. c. 8 ...	" 62 Vic. c. 26	904
12 Vic. c. 9 ...	" 59 Vic. c. 27	313
12 Vic. c. 10 ...	" " " " " " " " " " " "	313
12 Vic. c. 11 ...	" 59 Vic. c. 26	99
12 Vic. c. 14 ...	" 51 Vic. c. 2	782
12 Vic. c. 22 ...	" 49 Vic. c. 8	826
13 Vic. c. 6 ...	" 51 Vic. c. 9	833
13 Vic. c. 11 ...	Suspended by 48 & 49 Vic. c. 29	8
13 Vic. c. 12 ...	" " " " " " " " " " " "	8
13 Vic. c. 23 ...	Repealed by 62 Vic. c. 26	904
15 Vic. c. 1 ...	" 60 Vic. c. 29	92

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35 Vic. c. 15 ...	Expired	—
35 Vic. c. 21 ...	Repealed by 62 Vic. c. 26	904
35 Vic. c. 23 ...	Expired	—
36 Vic. c. 2 ...	"	—
36 Vic. c. 3 ...	"	—
36 Vic. c. 10 ...	Repealed by 59 Vic. c. 26	99
36 Vic. c. 11 ...	" 59 Vic. c. 27	313
36 Vic. c. 12 ...	" 52 Vic. c. 27	842
36 Vic. c. 13 ...	" 39 Vic. c. 18	664
36 Vic. c. 14 ...	Expired	—
37 Vic. c. 1 ...	"	—
37 Vic. c. 2 ...	"	—
37 Vic. c. 3 ...	Repealed by 50 Vic. c. 4	903
37 Vic. c. 7 ...	Expired	—
37 Vic. c. 8 ...	"	—
37 Vic. c. 10 ...	"	—
37 Vic. c. 11 ...	"	—
37 Vic. c. 16 ...	"	—
37 Vic. c. 23 ...	"	—
38 Vic. c. 4 ...	Repealed by 47 Vic. c. 22	205
38 Vic. c. 5 ...	" 53 Vic. c. 24	—
38 Vic. c. 8 ...	" 61 & 62 Vic. c. 24	729
38 Vic. c. 11 ...	Expired	—
38 Vic. c. 15 ...	"	—
38 Vic. c. 17 ...	Repealed by 39 Vic. c. 16	438
38 Vic. c. 18 ...	Expired	—
38 Vic. c. 22 ...	"	—
38 Vic. c. 24 ...	Repealed by 52 Vic. c. 27	842
38 Vic. c. 25 ...	" 49 Vic. c. 8	826
38 Vic. c. 26 ...	" 54 Vic. c. 18	825
38 Vic. c. 27 ...	" 48 & 49 Vic. c. 30	25
38 Vic. c. 29 ...	Expired	—
38 Vic. c. 31 ...	Repealed by 39 Vic. c. 10	500
38 Vic. c. 33 ...	Expired	—
38 Vic. c. 34 ...	"	—
38 Vic. c. 35 ...	Repealed by 40 Vic. c. 7	666
38 Vic. c. 36 ...	Expired	—

CHRONOLOGICAL TABLE.

NOTE.—*Those Acts to which no date of duration is affixed in the column headed "Duration" are in the nature of permanent Laws.*

The Acts to which special terms of duration are assigned continue generally in force to the end of the Session of Assembly holden next after the expiration of the date inserted in the column.

Date.	Where inserted.	Duration.
36 Geo. 3, c. 10	Part I., Class II., No. 1, p. 7	
39 Geo. 3, c. 5	Part V., Class IV., No. 1, p. 483	
40 Geo. 3, c. 2	Part I., Class I., No. 1, p. 1; also same part, Class VII., No. 1, p. 85; also Part III., Class I., No. 1, p. 222; also same part, Class VII., No. 1, p. 289; also same part, Class X., No. 1, p. 305; also Part IV., Class X., No. 1, p. 445	
" 10	Part IV., Class I., No. 1, p. 389	
43 Geo. 3, c. 3	Part III., Class VII., No. 2, p. 289	
" 5	Part I., Class I., Table of Statutes, p. 5	
45 Geo. 3, c. 21	Part II., Class IV., No. 1, p. 139	
" 23	Part I., Class I., Table of Statutes, p. 5	
47 Geo. 3, c. 12	Part IV., Class VII., No. 1, p. 417	
50 Geo. 3, c. 4	Part I. Class VII., No. 2, p. 85	
" 20	Part III., Class VIII., No. 1, p. 296	
51 Geo. 3, c. 15	Part II., Class XIII., No. 1, p. 200	
53 Geo. 3, c. 6	Part I., Class VII., No. 3, p. 85	
1 Geo. 4, c. 1	Part I., Class II., No. 2, p. 7	
2 Geo. 4, c. 35	Part I., Class II., No. 3, p. 8	
10 Geo. 4, c. 8	Part II., Class XV., No. 1, p. 216	
" 11	Part I., Class I., Table of Statutes, p. 5	
4 Wm. 4, c. 2	Part IV., Class VII., No. 2, p. 418 ...	31st May, 1908.
" 25	Part II., Class III., No. 1, p. 123; also Part III., Class VIII., No. 2, p. 297	
5 Wm. 4, c. 40	Part I., Class VI., No. 1, p. 77	
1 Vic. c. 4	Part V., Class II., No. 1, p. 464	
2 Vic. c. 3	Part VII., Class VIII., No. 1., p. 760	
" 4	Part VIII., Class II., No. 1, p. 828	
" 10	Part IV., Class VII., No. 3, p. 419 ...	31st May, 1908.
" 13	Part V., Class II., No. 2, p. 465	
3 Vic. c. 1	Part I., Class I., Table of Statutes, p. 5	
" 2	Part IV., Class IX., No. 1, p. 427	
" 5	Part III., Class XIII., No. 1, p. 386	
" 33	Part I., Class I., Table of Statutes, p. 5; also Part II., Class XV., No. 2, p. 217	
" 37	Part IV., Class IX., No. 2, p. 429	
4 Vic. c. 3	Part VII., Class IV., No. 1, p. 686	
" 23	Part I., Class I., Table of Statutes, p. 6; and also same part, Class VII., No. 4, p. 86	
" 30	Part I., Class I., Table of Statutes, pp. 5, 6; Part III., Class VIII., No. 3, p. 297	
" 31	Part III., Class III., No. 1, p. 224	
" 32	Part VII., Class II., No. 1, p. 661	
5 Vic. c. 4	Part IV., Class V., No. 1, p. 416	
" 8	Part IV., Class V., No. 2, p. 416	
" 9	Part V., Class II., No. 3, p. 473	
6 Vic. c. 4	Part IV., Class V., No. 3, p. 416	

Date.	Where inserted.	Duration.
7 Vic. c.	13 Part IV., Class IX., No. 3, p. 430	
"	15 Part I., Class I., Table of Statutes, p. 5; also Part IV., Class X., No. 2, p. 446	
8 Vic. c.	9 Part II., Class III., No. 2, p. 127	
"	23 Part II., Class IV., No. 2, p. 140	
"	33 Part III., Class XIII., No. 2, p. 386	
"	39 Part VIII., Class VI., No. 1, p. 878	
"	45 Part V., Class VI., No. 1, p. 496	
"	46 Part IV., Class IX., No. 4, p. 430	
"	47 Part VII., Class XIII., No. 1, p. 809	
9 Vic. c.	1 Part V., Class VII., No. 1, p. 506	
"	9 Part I., Class I., Table of Statutes, pp. 5, 6; also Part IV., Class X., No. 3, p. 446	
10 Vic. c.	7 Part I., Class I., Table of Statutes, p. 6; also Part III., Class VIII., No. 4, p. 298	
"	8 Part I., Class I., Table of Statutes, p. 6	
"	29 Part I., Class VI., No. 2, p. 80	
"	35 Part I., Class V., No. 1, p. 73	
11 Vic. c.	4 Part I., Class III., No. 1, p. 38	
"	6 Part VII., Class II., No. 2, p. 661	
"	7 Part I., Class VIII., No. 1, p. 87	
"	21 Part II., Class III., No. 3, p. 128	
"	28 Part V., Class VII., No. 2, p. 507	
12 Vic. c.	6 Part III., Class VIII., No. 5, p. 298	
"	19 Part II., Class III., No. 4, p. 130	
13 Vic. c.	1 Part VII., Class VI., No. 1, p. 711	
"	2 Part V., Class II., No. 4, p. 474	
"	3 Part V., Class I., No. 1, p. 463	
"	5 Part V., Class IV., No. 2, p. 483; also same part, Class IX., No. 1, p. 515	
"	7 Part V., Class III., No. 1, p. 477	
"	8 Part VI., Class III., No. 1, p. 551	9th May, 1899.
"	10 Part II., Class XI., No. 1, p. 188	
"	13 Part VIII., Class VI., No. 2, p. 878	
14 Vic. c.	21 Part VII., Class VI., No. 2, p. 716	
15 Vic. c.	3 Part II., Class III., No. 5, p. 130; also Part III., Class V., No. 1, p. 285	
"	4 Part V., Class VII., No. 3, p. 507	
"	8 Part I., Class VIII., No. 2, p. 88	
"	12 Part V., Class III., No. 2, p. 482	
17 Vic. c.	11 Part II., Class XIII., No. 2, p. 201	
"	13 Part I., Class V., No. 2, p. 74	
"	14 Part II., Class III., No. 6, p. 135	
"	21 Part I., Class I., Table of Statutes, p. 6; also same part, Class VII., No. 5, p. 86	
18 Vic. c.	1 Part VII., Class I., No. 1, p. 600	
"	7 Part I., Class V., No. 3, p. 74	
"	10 Part II., Class IV., No. 3, p. 142; also same part, Class XIV., No. 1, p. 212	
"	12 Part II., Class XI., No. 2, p. 189	
"	14 Part II., Class III., No. 7, p. 136	
19 Vic. c.	5 Part III., Class VII., No. 3, p. 290	
"	14 Part IV., Class V., No. 4, p. 417	
"	15 Part VII., Class IV., No. 2, p. 687	
"	23 Part V., Class IV., No. 3, p. 483	
20 Vic. c.	3 Part II., Class XV., No. 3, p. 220	
"	4 Part VI., Class I., No. 1, p. 529	9th May, 1899.
"	14 Part III., Class XIII., No. 3, p. 386	
21 Vic. c.	1 Part VII., Class VII., No. 1, p. 745	31st May, 1908.
"	2 Part VII., Class VIII., No. 2, p. 766	
"	9 Part VI., Class III., No. 2, p. 552	31st May, 1908.
"	14 Part VII., Class VIII., No. 3, p. 768	
"	15 Part VII., Class XI., No. 1, p. 784	
"	16 Part I., Class VI., No. 3, p. 83	
"	18 Part IV., Class IX., No. 5, p. 431	31st May, 1908.
"	21 Part VII., Class IV., No. 3, p. 690	

Date.		Where inserted.	Duration.
21 Vic. c.	22	Part II., Class VIII., No. 1, p. 184	31st May, 1908.
"	23	Part II., Class IV., No. 4, p. 143; also Part III., Class VII., No. 4, p. 292	
22 Vic. c.	8	Part II., Class X., No. 1, p. 187	
"	10	Part II., Class XV., No. 4, p. 220	
"	12	Part IV., Class IX., No. 6, p. 433 ...	
"	17	Part VIII., Class II., No. 2, p. 829	9th May, 1899.
"	22	Part VI., Class I., No. 3, p. 531	
"	25	Part IV., Class III., No. 1, p. 404	
23 Vic. c.	3	Part VI., Class I., No. 6, p. 533	
"	5	Part III., Class XI., No. 1, p. 358	
"	10	Part VI., Class I., No. 2, p. 530 ...	
"	18	Part VII., Class VI., No. 3, p. 722	31st May, 1908.
"	23	Part I., Class I., Table of Statutes, pp. 5, 6; also same part, Class VII., No. 6, p. 86; also Part III., Class VIII., No. 6, p. 300	
24 Vic. c.	4	Part III., Class XI., No. 2, p. 359	
"	7	Part VII., Class XI., No. 2, p. 785	
"	8	Part VI., Class VI., No. 1, p. 566	
"	10	Part VIII., Class VI., No. 3, p. 879	9th May, 1899.
"	13	Part I., Class IV., No. 1, p. 42	
"	21	Part VI., Class I., No. 7, p. 535	
25 Vic. c.	2	Part IV., Class X., No. 4, p. 446	
"	6	Part VI., Class VI., No. 2, p. 569	
"	9	Part VI., Class I., No. 8, p. 536	31st May, 1908.
"	11	Part V., Class VI., No. 2, p. 498	
"	15	Part I., Class VII., No. 7, p. 87; also Part III., Class III., No. 2, p. 227; also Part IV., Class VIII., No. 1, p. 420	
"	30	Part VIII., Class VII., No. 1, p. 885	
"	25	Part I., Class V., No. 4, p. 75	
26 Vic. c.	1	Part VI., Class IX., No. 1, p. 597; also Part VII., Class IV., No. 4, p. 690	9th May, 1899.
"	5	Part VI., Class VI., No. 3, p. 569	
"	6	Part II., Class XII., No. 1, p. 191	
"	8	Part VIII., Class VI., No. 4, p. 880	
"	9	Part VI., Class I., No. 4, p. 532	
"	10	Part VII., Class VI., No. 4, p. 723	31st May, 1908.
"	19	Part VIII., Class V., No. 1, p. 840	
27 Vic. c.	1	Part VII., Class VI., No. 19, p. 730	
"	2	Part VII., Class IX., No. 1, p. 778	
"	5	Part IV., Class III., No. 2, p. 404 ...	
"	10	Part VI., Class VI., No. 4, p. 570	9th May, 1899.
"	11	Part II., Class III., No. 8, p. 137; also Part V., Class X., No. 1, p. 523	
"	19	Part VII., Class XIII., No. 2, p. 809	
"	26	Part VII., Class VI., No. 5, p. 723	
"	29	Part V., Class VI., No. 3, p. 498	
"	37	Part V., Class IV., No. 4, p. 483	31st May, 1908.
28 Vic. c.	1	Part VII., Class IX., No. 2, p. 779	
"	2	Part III., Class VI., No. 1, p. 287	
"	3	Part III., Class IV., No. 1, p. 228	
"	12	Part VI., Class I., No. 5, p. 532	
"	14	Part VII., Class VII., No. 2, p. 754 ...	9th May, 1899.
"	24	Part VIII., Class VI., No. 5, p. 881	
"	28	Part VII., Class IX., No. 3, p. 780	
"	29	Part VIII., Class X., No. 1, p. 901	
"	30	Part VIII., Class V., No. 2, p. 840	
"	31	Part III., Class IV., No. 10, p. 248	31st May, 1908.
"	37	Part III., Class IV., No. 12, p. 259	
"	39	Part VII., Class VI., No. 20, p. 732	
29 Vic. c.	2	Part VIII., Class X., No. 2, p. 902	
"	3	Part II., Class XIV., No. 2, p. 213	
"	4	Part III., Class V., No. 2, p. 285	9th May, 1899.
"	5	Part I., Class IV., No. 2, p. 49	
"	6	Part I., Class I., Table of Statutes, p. 6	

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29 Vic. c.	9	Part V., Class IV., No. 5, p. 484	31st May, 1908. 31st May, 1908.
"	12	Part VII., Class VI., No. 6, p. 724	
"	14	Part VIII., Class VII., No. 2, p. 887	
"	15	Part I., Class III., No. 2, p. 39	
"	16	Part VII., Class VII., No. 3, p. 755 ...	
"	19	Part IV., Class IX., No. 7, p. 437 ...	
"	21	Part V., Class IV., No. 6, p. 485	
"	24	Part VIII., Class V., No. 3, p. 840	
"	25	Part III., Class XII., No. 1, p. 383	9th May, 1899.
"	32	Part II., Class XII., No. 2, p. 198	
"	37	Part V., Class II., No. 5, p. 474	
30 Vic. c.	9	Part III., Class XII., No. 2, p. 384	
"	10	Part VIII., Class VII., No. 3, p. 888	
"	11	Part VI., Class IV., No. 1, p. 561	
"	12	Part VI., Class III., No. 3, p. 554 ...	
"	14	Part V., Class IV., No. 7, p. 486	
"	19	Part VII., Class II., No. 3, p. 662	
"	21	Part IV., Class VIII., No. 2, p. 425	31st May, 1908.
31 Vic. c.	4	Part I., Class IV., No. 3, p. 60	
"	7	Part III., Class I., No. 2, p. 222	
32 Vic. c.	10	Part III., Class VII., No. 5, p. 292	
"	15	Part III., Class VII., No. 6, p. 292	
"	16	Part III., Class I., No. 3, p. 223	
"	18	Part V., Class VI., No. 4, p. 499	
"	20	Part V., Class IV., No. 8, p. 486	
"	21	Part IV., Class III., No. 3, p. 407	31st May, 1908.
"	24	Part VIII., Class V., No. 4, p. 841	
"	27	Part V., Class VII., No. 4, p. 508; also same part, Class IX., No. 2, p. 516; also Part VI., Class III., No. 4, p. 557	
33 Vic. c.	1	Part VIII., Class VII., No. 4, p. 888	
"	4	Part VII., Class II., No. 4, p. 662	
"	9	Part II., Class V., No. 1, p. 146	
"	13	Part II., Class V., No. 2, p. 152	
"	15	Part VII., Class VIII., No. 4, p. 769	
"	21	Part VIII., Class VII., No. 5, p. 888	
34 Vic. c.	1	Part V., Class VIII., No. 1, p. 508	31st May, 1908.
"	3	Part VI., Class I., No. 9, p. 536	
"	5	Part II., Class V., No. 3, p. 179	
"	6	Part VII., Class VI., No. 21, p. 732	
"	7	Part VI., Class II., No. 1, p. 549	
"	9	Part II., Class VI., No. 1, p. 181	
"	17	Part II., Class XII., No. 3, p. 198	
"	19	Part IV., Class IX., No. 8, p. 437 ...	
35 Vic. c.	4	Part II., Class VI., No. 2, p. 183	31st May, 1908.
"	5	Part II., Class V., No. 4, p. 180; also Part VIII., Class X., No. 3, p. 903	
"	6	Part II., Class XIV., No. 3, p. 214	
"	9	Part I., Class III., No. 3, p. 40	
"	10	Part I., Class I., Table of Statutes, pp. 5, 6	
"	13	Part VI., Class I., No. 12, p. 539	
"	14	Part VII., Class II., No. 5, p. 663	
"	16	Part VII., Class III., No. 1, p. 682	
"	17	Part VII., Class V., No. 1, p. 707	31st May, 1908.
"	18	Part VIII., Class VII., No. 6, p. 889	
"	19	Part I., Class VII., No. 8, p. 87; also Part II., Class II., No. 1, p. 114	
"	20	Part I., Class III., No. 4, p. 41	
36 Vic. c.	1	Part VII., Class VIII., No. 5, p. 770	
"	5	Part III., Class VII., No. 7, p. 294	
"	6	Part II., Class VIII., No. 2, p. 185; also Part IV., Class X., No. 5, p. 447	
"	7	Part VII., Class IV., No. 5, p. 690	
"	8	Part VII., Class I., No. 2, p. 601	
"	9	Part II., Class XIII., No. 3, p. 202	
"	15	Part VI., Class VIII., No. 1, p. 575	

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36 Vic. c.	16	Part VII., Class XII., No. 1, p. 796	
37 Vic. c.	5	Part I., Class VIII., No. 3, p. 89	
"	9	Part VII., Class VII., No. 4, p. 759	31st May, 1908.
"	14	Part VI., Class V., No. 1, p. 563	
"	15	Part VII., Class XII., No. 2, p. 797	
"	18	Part I., Class V., No. 5, p. 75	
"	19	Part IV., Class II., No. 1, p. 392	26th April, 1905.
"	20	Part V., Class II., No. 6, p. 475	
38 Vic. c.	2	Part III., Class IV., No. 13, p. 281	
"	3	Part V., Class II., No. 7, p. 476	
"	6	Part VIII., Class X., No. 4, p. 903	
"	7	Part II., Class III., No. 9, p. 138	
"	9	Part V., Class IX., No. 3, p. 518	
"	10	Part III., Class XIII., No. 4, p. 387	
"	12	Part V., Class VI., No. 5, p. 499	
"	13	Part VII., Class IV., No. 6, p. 692	
"	14	Part VII., Class XI., No. 3, p. 789	
"	16	Part VII., Class VI., No. 7, p. 724	
"	19	Part V., Class IX., No. 4, p. 518	
"	20	Part V., Class IX., No. 5, p. 520	
"	21	Part VI., Class III., No. 5, p. 557	31st May, 1908.
"	23	Part VII., Class II., No. 6, p. 664; also same part, Class XIII., No. 3, p. 811	
"	28	Part II., Class XII., No. 4, p. 199	
"	30	Part III., Class XII., No. 3, p. 385; also Part IV., Class II., No. 2, p. 398	
"	32	Part V., Class IX., No. 6, p. 520	
39 Vic. c.	3	Part III., Class IV., No. 14, p. 281	
"	4	Part VIII., Class VII., No. 7, p. 891	
"	5	Part III., Class IV., No. 15, p. 282	
"	8	Part I., Class VII., No. 9, p. 87; also Part IV., Class VIII., No. 3, p. 425; also Part VII., Class V., No. 2, p. 708	
"	10	Part V., Class VI., No. 6, p. 500	
"	15	Part VI., Class VIII., No. 2, p. 587	
"	16	Part IV., Class IX., No. 9, p. 438	
"	18	Part VII., Class II., No. 7, p. 664	26th May, 1907.
40 Vic. c.	2	Part IV., Class X., No. 6, p. 447	
"	3	Part III., Class IV., No. 2, p. 239	
"	4	Part II., Class IV., No. 5, p. 143	
"	5	Part II., Class XV., No. 5, p. 221	
"	6	Part VII., Class VI., No. 22, p. 740	
"	7	Part VII., Class II., No. 8, p. 666	
"	9	Part VII., Class IV., No. 7, p. 694	9th May, 1899.
"	15	Part VIII., Class V., No. 5, p. 841	
"	17	Part III., Class XIV., No. 1, p. 387	
"	19	Part III., Class IV., No. 16, p. 282	
41 Vic. c.	2	Part VII., Class II., No. 9, p. 667	
"	3	Part VII., Class IV., No. 8, p. 698	9th May, 1899.
"	4	Part III., Class IV., No. 17, p. 284	
"	6	Part VII., Class VII., No. 5, p. 760	31st May, 1908.
"	8	Part VII., Class I., No. 3, p. 655	
"	11	Part V., Class IV., No. 9, p. 487	
42 Vic. c.	3	Part IV., Class II., No. 3, p. 398	
"	6	Part II., Class II., No. 2, p. 116; also Part III., Class III., No. 3, p. 227	
43 Vic. c.	3	Part VII., Class II., No. 10, p. 668	31st May, 1908.
"	4	Part VII., Class II., No. 11, p. 669	31st May, 1908.
"	5	Part VII., Class II., No. 12, p. 670	31st May, 1908.
"	6	Part VII., Class VI., No. 8, p. 724	
"	8	Part VII., Class XI., No. 4, p. 790	
"	10	Part VII., Class V., No. 3, p. 709	
"	12	Part VI., Class I., No. 13, p. 545	
"	14	Part IV., Class II., No. 4, p. 398	
"	17	Part VI., Class VIII., No. 3, p. 587	
"	18	Part III., Class IV., No. 11, p. 258	

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43 Vic. c.	20	Part VII., Class VIII., No. 6, p. 771	
44 Vic. c.	1	Part VIII., Class V., No. 6, p. 842	
"	3	Part V., Class VI., No. 7, p. 501	
"	4	Part VI., Class VIII., No. 4, p. 588	
"	7	Part VIII., Class II., No. 3, p. 830	
"	12	Part I., Class IV., No. 4, p. 62	
45 Vic. c.	3	Part IV., Class XII., No. 1, p. 460	
"	5	Part VI., Class I., No. 14, p. 545	
"	7	Part VII., Class VI., No. 9, p. 725	
"	9	Part IV., Class I., No. 2, p. 390	
"	10	Part VI., Class I., No. 10, p. 538	
"	11	Part IV., Class I., No. 3, p. 390	
46 Vic. c.	1	Part VII., Class XIV., No. 1, p. 812	
"	2	Part VII., Class II., No. 13, p. 670	
"	3	Part V., Class V., No. 1, p. 489	
"	5	Part VII., Class VI., No. 23, p. 742	
"	7	Part VIII., Class V., No. 7, p. 842	
"	8	Part IV., Class IX., No. 10, p. 439	
"	9	Part VIII., Class VI., No. 6, p. 881	
"	12	Part VII., Class I., No. 4, p. 656	
"	13	Part VI., Class I., No. 15, p. 547	
"	16	Part VII., Class IV., No. 9, p. 698 ...	9th May, 1899.
"	18	Part VII., Class VI., No. 10, p. 726	
"	21	Part IV., Class III., No. 4, p. 408	
47 Vic. c.	2	Part IV., Class X., No. 7, p. 448	
"	7	Part VIII., Class VI., No. 7, p. 882	
"	9	Part III., Class IV., No. 3, p. 239	
"	12	Part VII., Class II., No. 14, p. 671	
"	13	Part VII., Class VI., No. 24, p. 743	
"	22	Part II., Class XIII., No. 6, p. 205	
48 Vic. c.	2	Part III., Class IV., No. 4, p. 242	
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48 & 49 Vic. c.	24	Part VIII., Class III., No. 1, p. 831	
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"	3	Part IV., Class IX., No. 12, p. 443 ...	31st May, 1908.
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51 Vic. c.	3	Part VII., Class I., No. 6, p. 657	
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51 Vic. c.	7 Part VI., Class VII., No. 1, p. 570	
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"	10 Part IV., Class IX., No. 13, p. 443	
"	15 Part IV., Class II., No. 6, p. 399	26th April, 1905.
"	16 Part VI., Class III., No. 6, p. 559	
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"	12 Part IV., Class XI., No. 3, p. 459	
"	13 Part VII., Class IV., No. 14, p. 705	31st May, 1908.
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"	16 Part II., Class XII., No. 5, p. 200	
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55 Vic. c.	2	Part IV., Class IV., No. 2, p. 411	
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"	6	Part III., Class IX., No. 2, p. 305; also Part VIII., Class V., No. 13, p. 851	
"	7	Part VIII., Class V., No. 14, p. 852	
"	8	Part VI., Class I., No. 16, p. 547	
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"	2 Part IV., Class XII., No. 3, p. 462	20th Mar., 1901.
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"	23 Part IV., Class II., No. 11, p. 402	
"	24 Part VII., Class I., No. 9, p. 658	
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60 & 61 Vic. c.	36	Part II., Class I., No. 2, p. 112	
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61 Vic. c.	2	Part I., Class IV., No. 11, p. 72	
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"	14	Part V., Class VI., No. 10, p. 503; also Part VIII., Class V., No. 23, p. 858	31st May, 1903.
"	15	Part VII., Class XII., No. 7, p. 802	
"	16	Part VIII., Class V., No. 24, p. 858	
"	18	Part VIII., Class IX., No. 7, p. 900	
"	19	Part VII., Class I., No. 11, p. 660	
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"	23	Part VIII., Class V., No. 25, p. 859	
61 & 62 Vic. c.	24	Part VII., Class VI., No. 17, p. 729; also same part, Class XII., No. 8, p. 803	
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"	21	Part VII., Class XII., No. 10, p. 808	
"	22	Part VIII., Class IX., No. 9, p. 901	
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62 Vic. c. 27	Part I., Class IX., No. 4, p. 94	
" 28	Part VI., Class III., No. 9, p. 561	
" 29	Part III., Class X., No. 8, p. 357	
" 30	Part IV., Class II., No. 13, p. 403	
" 31	Part VI., Class VIII., No. 15, p. 596	
" 32	Part VII., Class XV., No. 3, p. 814; also same part, Class XVI., No. 1, p. 816	
" 33	Part VIII., Class V., No. 32, p. 861	

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9 Hen. 3, c. 18...	Crown Debts	40 Geo. 3, c. 2 ...	2	
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20 Hen. 3, c. 2 ...	Emblements : Wills ...	40 Geo. 3, c. 2 ...	2	
20 Hen. 3, c. 9 ...	Bastards	40 Geo. 3, c. 2 ...	2	
3 Edw. 1, c. 4 ...	Wreck	40 Geo. 3, c. 2 ...	2	Repealed in England.
3 Edw. 1, c. 9 ...	Arrest : Coroner : Liberty...	40 Geo. 3, c. 2 ...	2	Repealed in England.
3 Edw. 1, c. 15...	Sheriff	40 Geo. 3, c. 2 ...	2	Except as relates to replevying of prisoners.
3 Edw. 1, c. 25...	Maintenance and Champerty	40 Geo. 3, c. 2 ...	2	
3 Edw. 1, c. 26...	Sheriff	40 Geo. 3, c. 2 ...	2	
3 Edw. 1, c. 28...	Maintenance, &c.	40 Geo. 3, c. 2 ...	2	
3 Edw. 1, c. 29...	Courts	40 Geo. 3, c. 2 ...	2	
6 Edw. 1, c. 1 ...	Costs : Damages	40 Geo. 3, c. 2 ...	2	Repealed in England.
13 Edw. 1, stat. 1, c. 1	Entails : Fines, Recoveries	40 Geo. 3, c. 2 ...	2	
13 Edw. 1, stat. 1, c. 4	Real Actions	40 Geo. 3, c. 2 ...	2	Repealed in England.
13 Edw. 1, c. 7 ...	Real Actions	40 Geo. 3, c. 2 ...	2	Repealed in England.
13 Edw. 1, c. 15...	Infants	40 Geo. 3, c. 2 ...	2	Repealed in England.
13 Edw. 1, c. 22...	Waste	40 Geo. 3, c. 2 ...	2	Repealed in England.
13 Edw. 1, c. 23...	Personal Representative ...	40 Geo. 3, c. 2 ...	2	
13 Edw. 1, c. 31...	Bill of Exceptions	40 Geo. 3, c. 2 ...	2	Repealed in England.
13 Edw. 1, c. 34...	Dower	40 Geo. 3, c. 2 ...	2	Partly repealed in England.
13 Edw. 1, c. 40...	Real Actions	40 Geo. 3, c. 2 ...	2	Repealed in England.
13 Edw. 1, c. 45...	Execution : Judgment ...	40 Geo. 3, c. 2 ...	2	
13 Edw. 1, c. 49...	Maintenance	40 Geo. 3, c. 2 ...	2	
28 Edw. 1, c. 11...	Maintenance	40 Geo. 3, c. 2 ...	2	
1 Edw. 2, stat. 2	De frangentibus prisonam...	40 Geo. 3, c. 2 ...	2	
1 Edw. 3, stat. 2, c. 16	Justice of the Peace ...	40 Geo. 3, c. 2 ...	2	
4 Edw. 3, c. 2 ...	Justice of the Peace ...	40 Geo. 3, c. 2 ...	2	
4 Edw. 3, c. 7 ...	Personal Representative ...	40 Geo. 3, c. 2 ...	2	
14 Edw. 3, stat. 1, c. 6	Amendment... ..	40 Geo. 3, c. 2 ...	2	Partly repealed in England.
18 Edw. 3, stat. 2, c. 2	Justice of the Peace ...	40 Geo. 3, c. 2 ...	2	
20 Edw. 3, c. 3 ...	Justice of Assize	40 Geo. 3, c. 2 ...	2	
25 Edw. 3, stat. 5, c. 2	Treason	40 Geo. 3, c. 2 ...	2	} Partly repealed in England.
25 Edw. 3, stat. 5, c. 3	Juries	40 Geo. 3, c. 2 ...	2	
25 Edw. 3, stat. 5, c. 5	Executors	40 Geo. 3, c. 2 ...	2	
25 Edw. 3, stat. 5, c. 14	Arrest : exigent	40 Geo. 3, c. 2 ...	2	Repealed in England.
28 Edw. 3, c. 3 ...	Property : Trials	40 Geo. 3, c. 2 ...	2	
34 Edw. 3, c. 12...	Treason	40 Geo. 3, c. 2 ...	2	
1 Rich. 2, c. 12...	Crown Debts : Escape ...	40 Geo. 3, c. 2 ...	2	Repealed in England.
5 Rich. 2, c. 8 ...	Forcible Entry on Lands ...	40 Geo. 3, c. 2 ...	2	

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13 Rich. 2, stat. 1, c. 5	Admiralty	40 Geo. 3, c. 2 ...	2	Repealed in England.
15 Rich. 2, c. 2 ...	Forcible Entry : Riot ...	40 Geo. 3, c. 2 ...	2	Partly repealed in England.
15 Rich. 2, c. 3 ...	Admiralty	40 Geo. 3, c. 2 ...	2	
17 Rich. 2, c. 8 ...	Riot	40 Geo. 3, c. 2 ...	2	Repealed in England.
1 Hen. 4, c. 10...	Treason	40 Geo. 3, c. 2 ...	2	
4 Hen. 4, c. 23...	Judgment	40 Geo. 3, c. 2 ...	2	
5 Hen. 4, c. 10...	Imprisonment	40 Geo. 3, c. 2 ...	2	
11 Hen. 4, c. 3 ...	Justices of Assize ...	40 Geo. 3, c. 2 ...	2	
13 Hen. 4, c. 7 ...	Riot	40 Geo. 3, c. 2 ...	2	
2 Hen. 5, c. 2 ...	Capias ad satisfaciendum certiorari	40 Geo. 3, c. 2 ...	2	
9 Hen. 5, stat. 1, c. 4	Amendment... ..	40 Geo. 3, c. 2 ...	2	} Partly repealed in England.
4 Hen. 6, c. 3 ...	Amendment... ..	40 Geo. 3, c. 2 ...	2	
8 Hen. 6, c. 9 ...	Benefice : Forcible Entry...	40 Geo. 3, c. 2 ...	2	Repealed in part by Act of Assembly, 4 Vic. c. 30.
8 Hen. 6, c. 12...	Amendment... ..	40 Geo. 3, c. 2 ...	2	
8 Hen. 6, c. 15...	Amendment : Outlawry ...	40 Geo. 3, c. 2 ...	2	Partly repealed in England.
11 Hen. 6, c. 6 ...	Abatement	40 Geo. 3, c. 2 ...	2	Partly suspended by Act of Assembly, 4 Wm. 4, c. 25.
1 Rich. 3, c. 3 ...	Felony	40 Geo. 3, c. 2 ...	2	
3 Hen. 7, c. 3 ...	Justices of Assize	40 Geo. 3, c. 2 ...	2	Partly suspended by Act of Assembly, 4 Wm. 4, c. 25.
4 Hen. 7, c. 20...	Penal	40 Geo. 3, c. 2 ...	2	} Partly repealed in England.
27 Hen. 8, c. 10...	Uses : Dower	40 Geo. 3, c. 2 ...	2	
28 Hen. 8, c. 15...	Piracy	40 Geo. 3, c. 2 ...	3	} Partly repealed in England.
31 Hen. 8, c. 1 ...	Partition	40 Geo. 3, c. 2 ...	3	
32 Hen. 8, c. 9 ...	Maintenance : Perjury ...	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
32 Hen. 8, c. 28...	Leases	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
22 Hen. 8, c. 32...	Partition	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
32 Hen. 8, c. 37...	Husband and Wife...	40 Geo. 3, c. 2 ...	3	
32 Hen. 8, c. 38...	Marriage	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
1 Edw. 6, c. 7 ...	Abatement : Justices ...	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
5 Eliz. c. 9 ...	Perjury	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
8 Eliz. c. 2 ...	Costs	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
13 Eliz. c. 5 ...	Fraudulent Conveyance ...	40 Geo. 3, c. 2 ...	3	
13 Eliz. c. 6 ...	Crown Lands	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
27 Eliz. c. 4 ...	Fraudulent Conveyance ...	40 Geo. 3, c. 2 ...	3	
43 Eliz. c. 5 ...	Courts	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
1 Jas. 1, c. 13 ...	Writs of Execution ...	43 Geo. 3, c. 5 ...	5	Partly repealed in England.
7 Jas. 1, c. 12 ...	Evidence	40 Geo. 3, c. 2 ...	3	
21 Jas. 1, c. 4 ...	Penal	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
21 Jas. 1, c. 14 ...	Intrusion : scire facias ...	40 Geo. 3, c. 2 ...	3	
21 Jas. 1, c. 15 ...	Forcible Entry	40 Geo. 3, c. 2 ...	3	

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21 Jas. 1, c. 16 ...	Costs: disclaimers...	40 Geo. 3, c. 2 ...	3	
21 Jas. 1, c. 24 ...	Execution ...	40 Geo. 3, c. 2 ...	3	
12 Chas. 2, c. 24...	Settling Revenue on the Crown	40 Geo. 3, c. 2 ...	3	In part only.
16 Chas. 2, c. 7 ...	Gaming ...	40 Geo. 3, c. 2 ...	3	Repealed in England.
19 Chas. 2, c. 6 ...	Taxation ...	40 Geo. 3, c. 2 ...	3	Repealed in England.
22 & 23 Chas. 2, c. 10	Intestacy ...	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
29 Chas. 2, c. 3 ...	Statute of Frauds ...	40 Geo. 3, c. 2 ...	3	Partly repealed by Act 7 Wm. 4 & 1 Vic. c. 26, extended to Bahamas by 4 Vic. c. 23.
29 Chas. 2, c. 7 ...	Observance of Lord Day ...	40 Geo. 3, c. 2 ...	3	
30 Chas. 2, c. 7 ...	Executors ...	40 Geo. 3, c. 2 ...	3	
31 Chas. 2, c. 2 ...	Habeas Corpus ...	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
2 Wm. & M. sess. 1, c. 5	Rents ...	35 Vic. c. 10 ...	5	
3 Wm. & M. c. 14	Fraudulent Devises ...	40 Geo. 3, c. 2 ...	3	Repealed in England.
4 & 5 Wm. & M. c. 16	Mortgage ...	40 Geo. 3, c. 2 ...	3	
7 Wm. 3, c. 3 ...	Error ...	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
7 & 8 Wm. 3, c. 34	Quakers ...	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
8 & 9 Wm. 3, c. 11	Costs, &c. ...	40 Geo. 3, c. 2 ...	3	
8 & 9 Wm. 3, c. 31	Partition ...	40 Geo. 3, c. 2 ...	3	Repealed in England.
10 & 11 Wm. 3, c. 16	Exportation...	40 Geo. 3, c. 2 ...	3	Repealed in England.
11 & 12 Wm. 3, c. 7	Piracy ...	45 Geo. 3, c. 23 ...	5	Partly repealed in England.
1 Anne, c. 6, stat. 2	Escape ...	40 Geo. 3, c. 2 ...	3	
4 Anne, c. 16 ...	Bonds ...	40 Geo. 3, c. 2 ...	3	
6 Anne, c. 18 ...	Bargains and Sales...	40 Geo. 3, c. 2 ...	3	Repealed in England.
8 Anne, c. 14 ...	Rents ...	40 Geo. 3, c. 2 ...	3	Repealed in England.
9 Anne, c. 14 ...	Gaming ...	40 Geo. 3, c. 2 ...	3	
2 Geo. 2, c. 21 ...	Murder ...	40 Geo. 3, c. 2 ...	3	Repealed in England.
2 Geo. 2, c. 25 ...	Perjury ...	No longer in force in Bahamas, except as relates to perjury and subornation of perjury, 4 Vic. c. 31, sec. 1.	224	
4 Geo. 2, c. 10 ...	Lunatics ...	40 Geo. 3, c. 2 ...	3	Repealed in England.
7 Geo. 2, c. 20 ...	Mortgage ...	40 Geo. 3, c. 2 ...	3	
11 Geo. 2, c. 19 ...	Rents ...	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
15 Geo. 2, c. 30 ...	Marriage of Lunatics ...	40 Geo. 3, c. 2 ...	3	Repealed in England.
18 Geo. 2, c. 30 ...	Piracy ...	45 Geo. 3, c. 23 ...	5	Partly repealed in England.
19 Geo. 2, c. 21 ...	Justices of the Peace ...	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
20 Geo. 2, c. 19 ...	Apprentices...	40 Geo. 3, c. 2 ...	3	Partly repealed in England.
20 Geo. 2, c. 30 ...	Treason ...	40 Geo. 3, c. 2 ...	3	
39 Geo. 3, c. 37 ...	Offences on High Seas ...	45 Geo. 3, c. 23 ...	5	
57 Geo. 3, c. 52 ...	Rents ...	35 Vic. c. 10 ...	5	
4 Geo. 4, c. 48 ...	Death in certain capital Felonies	4 Vic. c. 30 ...	5	
4 Geo. 4, c. 52 ...	Interment of persons found felo-de-se	4 Vic. c. 30 ...	5	Repealed in England.
6 Geo. 4, c. 129...	Combination of Workmen...	3 Vic. c. 1 ...	5	Repealed in England.

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9 Geo. 4, c. 32 ...	Law of Evidence ...	4 Vic. c. 30 ...	5	Partly repealed in England.
10 Geo. 4, c. 7 ...	Roman Catholics, Relief ...	10 Geo. 4, c. 11 ...	5	Partly repealed in England.
10 Geo. 4 & 1 Wm. 4, c. 40	Residues of effects of testators	23 Vic. c. 23 ...	5	Partly repealed in England.
2 & 3 Wm. 4, c. 71	Real Estate ...	9 Vic. c. 9 ...	86	
3 & 4 Wm. 4, c. 27	Limitations of actions as to real property	9 Vic. c. 9 ...	446	Partly repealed in England.
3 & 4 Wm. 4, c. 42	Amendment of Law ...	3 Vic. c. 33 ...	446	
			5	Secs. 2, 3, 4, 5, 14, 28, 29, 37 & 38 only in force here now. See 61 Vic. c. 20.
			217	
3 & 4 Wm. 4, c. 106	Law of Inheritance ...	7 Vic. c. 15 ...	5	1st July, 1844, substituted for 1st January, 1834.
			446	
4 & 5 Wm. 4, c. 22	Rents ...	35 Vic. c. 10 ...	5	Partly repealed in England.
6 & 7 Wm. 4, c. 114	Defence by counsel in cases of felony	4 Vic. c. 30 ...	5	In part repealed by Act of Assembly, 12 Vic. c. 7.
7 Wm. 4 & 1 Vic. c. 26	Wills ...	4 Vic. c. 23 ...	6	Limited as to date: partly repealed in England.
			86	
7 Wm. 4 & 1 Vic. c. 28	Limitations of actions as to real property	9 Vic. c. 9 ...	6	Partly repealed in England.
			446	
7 Wm. 4 & 1 Vic. c. 88	Piracy ...	4 Vic. c. 30 ...	6	Repealed in England.
			224	
3 & 4 Vic. c. 24, sec. 2, 3	Costs ...	23 Vic. c. 23 ...	6	
4 & 5 Vic. c. 21	Freehold Estates ...	9 Vic. c. 9 ...	6	Repealed in England.
			446	
6 & 7 Vic. c. 96	Defamation and Libel ...	10 Vic. c. 8 ...	6	Partly repealed in England.
		Except sec. 10		
8 & 9 Vic. c. 106	Real Property ...	9 Vic. c. 9 ...	6	Except as regards stamp duty; partly repealed in England.
			446	
8 & 9 Vic. c. 119	Conveyance of Real Property	9 Vic. c. 9 ...	6	Except as regards stamp duty; repealed in England.
			446	
9 & 10 Vic. c. 62	To abolish Deodands ...	10 Vic. c. 7 ...	6	Repealed in England.
			298	
9 & 10 Vic. c. 93	Compensation to families of persons killed by accident	10 Vic. c. 7 ...	6	
10 & 11 Vic. c. 83	Aliens ...	Recited by 11 Vic. c. 4	38	Repealed in England.
15 & 16 Vic. c. 24	Wills ...	17 Vic. c. 21 ...	8	
			86	
18 & 19 Vic. c. 43	Infants' Marriage Settlements	23 Vic. c. 23 ...	6	
18 & 19 Vic. c. 111	Bills of Lading ...	23 Vic. c. 23 ...	6	
19 & 20 Vic. c. 97	Trade and Commerce ...	23 Vic. c. 23 ...	6	Partly repealed in England.
22 Vic. c. 10 ...	Affirmations by Quakers and others	23 Vic. c. 23 ...	6	Repealed in England.
22 Vic. c. 32 ...	Remission of Penalties ...	23 Vic. c. 23 ...	6	
22 Vic. c. 33 ...	Bail by Coroners in Manslaughter	23 Vic. c. 23 ...	6	Repealed in England.
			300	
22 Vic. c. 34 ...	Combination of Workmen	23 Vic. c. 23 ...	6	Repealed in England.
22 & 23 Vic. c. 35	Law of Property and Relief of Trustees	23 Vic. c. 23 ...	6	Partly repealed in England.
25 & 26 Vic. c. 89	Trading Companies ...	31 Vic. c. 4, sec. 8...	61	Partly repealed in England.

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28 & 29 Vic. c. 86	Partnership	29 Vic. c. 6	6	Repealed in England.
33 & 34 Vic. c. 14	Naturalization	35 Vic. c. 20	41	Partly repealed in England.
		Recited by 35 Vic. c. 9	40	
33 & 34 Vic. c. 23	Criminal Law	38 Vic. c. 7, sec. 6...	6	} Partly repealed in England.
			138	
33 & 34 Vic. c. 35	Rents	35 Vic. c. 10	6	
34 & 35 Vic. c. 79	Rents: Goods of Lodgers...	35 Vic. c. 10	6	
37 & 38 Vic. c. 57	Limitations of actions as to Real Property	40 Vic. c. 2	6	
45 & 46 Vic. c. 61	Bills of Exchange	55 Vic. c. 5	6	
52 & 53 Vic. c. 49	Arbitration	62 Vic. c. 20	6	
56 & 57 Vic. c. 53	Trustees	62 Vic. c. 20	6	

SCHEDULE of Statutes of the Bahamas included in this Com-
pilation, giving the subject of each Statute and showing what
parts of them are repealed.

Bahamas Statute.	Short Title.	Page.	Remarks.
36 Geo. 3, c. 10 ...	General Assembly	7	
39 Geo. 3, c. 5 ...	Burial Grounds	483	
40 Geo. 3, c. 2 ...	Extending English Laws	1	Partly suspended by 4 Wm. 4, c. 25, 327; partly repealed by 4 Vic. c. 31, and other Acts.
„ 10 ...	Plan of Nassau	389	
43 Geo. 3, c. 3 ...	Provost Marshal	289	Partly repealed by 23 Vic. c. 5; 35 Vic. c. 5; and 59 Vic. c. 26.
45 Geo. 3, c. 21 ...	General Court	139	Secs. 20, 21 only in force.
„ 23 ...	Extending English Laws	5	
47 Geo. 3, c. 12 ...	Division Walls and Fences	417	
50 Geo. 3, c. 4 ...	Intestacy	85	
„ 20 ...	Coroners	296	Sec. 6 repealed by 61 Vic. c. 8.
51 Geo. 3, c. 15 ...	Conveyance of Lands	200	
53 Geo. 3, c. 6 ...	Executors, &c.	85	
1 Geo. 4, c. 1 ...	Disputes between House of As- sembly and Judges.	7	Not printed <i>in extenso</i> .
2 Geo. 4, c. 35 ...	Assembly	8	
10 Geo. 4, c. 8 ...	Agreements... ..	216	
„ 11 ...	Extending English Laws	5	
4 Wm. 4, c. 2 ...	Division Walls and Fences	418	
„ 25 ...	Criminal Law	123	Partly repealed by 12 Vic. c. 7, and 28 Vic. c. 29.
5 Wm. 4, c. 40 ...	Friendly Societies	77	Sec. 15 repealed by 62 Vic. c. 19.
1 Vic. c. 4 ...	Marriages	464	
2 Vic. c. 3 ...	Merchant Seamen	760	Partly repealed by 21 Vic. c. 2.
„ 4 ...	British Money	828	
„ 10 ...	Division Walls and Fences	419	
„ 13 ...	Marriages	465	Amended by 59 Vic. c. 10.
3 Vic. c. 1 ...	Extending English Laws	5	Partly repealed by 24 Vic. c. 8.
„ 2 ...	Occupation of Land	427	Partly repealed by 35 Vic. c. 23.
„ 5 ...	Militia	386	
„ 33 ...	Extending English Laws	6	Partly repealed by 61 Vic. c. 20.
„ 37 ...	Occupation of Land	429	Amended by 7 Vic. c. 13.
4 Vic. c. 3 ...	Manufacture of Spirits	686	
„ 23 ...	Extending English Laws	6	
„ 30 ...	„ „	5 & 6	
„ 31 ...	Forgery	224	
„ 32 ...	Royal Yacht Squadron	661	
5 Vic. c. 4 ...	War Department Lands	416	
„ 8 ...	„ „	416	
„ 9 ...	Marriages	473	
6 Vic. c. 4 ...	War Department Lands	416	
7 Vic. c. 13 ...	Occupation of Land	430	
„ 15 ...	Extending English Laws	5	
8 Vic. c. 9 ...	Expenses in Criminal Trials	127	Sec. 5 only in force.
„ 23 ...	Abolishing Arrests in Civil Causes	140	Secs. 12-14 and 17 only in force.
„ 33 ...	Militia	386	
„ 39 ...	Hours for Public Officers	878	
„ 45 ...	Poor Relief	496	Sec. 4 repealed by 26 Vic. c. 15. Sec. 5 in part by 32 Vic. c. 27. Secs. 8, 11 obsolete.
„ 46 ...	Occupation of Land	430	
„ 47 ...	Hog Island Lighthouse	809	
9 Vic. c. 1 ...	Parishes	506	
„ 9 ...	Extending English Laws	5 & 6	

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10 Vic. c. 7 ...	Extending English Laws ...	6	
" 8 ...	" " " " " " " "	6	
" 29 ...	Friendly Societies ...	80	Amended by 21 Vic. c. 16, and 49 Vic. c. 8.
" 35 ...	Nassau Library ...	73	Sec. 11 repealed by 49 Vic. c. 6.
11 Vic. c. 4 ...	Naturalization of Aliens ...	38	Amended by 37 Vic. c. 18.
" 6 ...	Copyright ...	661	Sec. 2 repealed by 32 Vic. c. 13.
" 7 ...	Oaths ...	87	Partly repealed by 38 Vic. c. 6.
" 21 ...	Trial by Jury ...	128	Sec. 4 not in force.
" 28 ...	Parishes ...	507	Sec. 6 repealed by 26 Vic. c. 6.
12 Vic. c. 6 ...	Coroners' Inquests ...	298	Sec. 9. " 18 Vic. c. 14.
" 19 ...	Criminal Justice ...	130	
13 Vic. c. 1 ...	Pilotage, Inagua ...	711	
" 2 ...	Marriages, Validity ...	474	
" 3 ...	Office of Ordinary ...	463	Sec. 1 only in force.
" 5 ...	Burial Grounds ...	515	Secs. 2-7 repealed by 32 Vic. c. 20.
" 7 ...	Registration of Births and Deaths	477	Amended by 60 Vic. c. 3.
" 8 ...	Grant's Town Market ...	551	Secs. after 3 obsolete.
" 10 ...	Public Notaries ...	188	Sec. 4 repealed by 18 Vic. c. 12.
" 13 ...	Salaries ...	878	
14 Vic. c. 21 ...	Pilotage ...	716	Sec. 17 repealed by 43 Vic. c. 6.
15 Vic. c. 3 ...	Criminal Justice ...	130	Sec. 27 " 30 Vic. c. 5.
" 4 ...	Church at Inagua ...	507	Sec. 29 " 52 Vic. c. 27.
" 8 ...	Oaths ...	88	Sec. 40 " 29 Vic. c. 13.
" 12 ...	Appropriation Act, 1852, sec. 3	482	Secs. 4, 10, 12-16, 25-29, and part of 36 repealed by 28 Vic. c. 29.
17 Vic. c. 11 ...	Property of Married Women	201	Secs. 18-20 repealed by 29 Vic. c. 4.
" 13 ...	Public Library, Dunmore Town	74	Secs. 40, 41 inoperative.
" 14 ...	Criminal Justice ...	135	
" 21 ...	Extending English Laws ...	6	
18 Vic. c. 1 ...	Receiver-General's Department	600	
" 7 ...	Public Library, Inagua ...	74	
" 10 ...	Evidence ...	142	Secs. 30-35 only in force.
" 12 ...	Public Notaries ...	189	
" 14 ...	Trial by Jury ...	136	
19 Vic. c. 5 ...	Conveying lands sold under legal process	290	Sec. 5 repealed by 21 Vic. c. 23.
" 14 ...	War Department Lands	417	Schedule partly by 49 Vic. c. 8.
" 15 ...	Dog Tax ...	687	
" 23 ...	Appropriation Act, 1856, sec. 2	483	Amended by 61 Vic. c. 13.
20 Vic. c. 3 ...	Defamation ...	220	
" 4 ...	Provision of Ice ...	529	
" 14 ...	Militia ...	386	
21 Vic. c. 1 ...	Salving ...	744	Sec. 7 repealed by 37 Vic. c. 9.
" 2 ...	Masters and Seamen ...	766	Secs. 11, 14, 23 partly, and 30 repealed by 29 Vic. c. 16.
" 9 ...	Dunmore Town, Market ...	552	Secs. 27, 29 repealed by 22 Vic. c. 1.
" 14 ...	Admeasurement and Registry of Vessels.	768	Secs. 31, 32 " 27 Vic. c. 24.
" 15 ...	Postage ...	784	Secs. 33-39 " 28 Vic. c. 29.
" 16 ...	Friendly Societies ...	83	
" 18 ...	Cutting Timber ...	431	
" 21 ...	Superintendent of Roads ...	690	

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21 Vic. c. 22	Costs in Crown Proceedings	184	
" 23	Levies on Lands	143	Sec. 5 only in force.
22 Vic. c. 3	Sale of Land	187	Sec. 9
" 10	Seals	220	
" 12	Impounding Cattle	433	Sec. 9 amended by 49 Vic. c. 3.
" 17	Interest	829	
" 22	Common Lodging Houses	531	
" 25	Nassau Harbour	404	Sec. 14 only in force.
23 Vic. c. 3	Vaccination	533	Amended by 45 Vic. c. 10.
" 5	Unpaid Constabulary	358	Amended by 48 Vic. c. 5.
" 10	Provision of Ice	530	
" 18	Pilotage	722	
" 23	Extending English Laws	5 & 6	Partly repealed by 28 Vic. c. 29.
24 Vic. c. 4	Unpaid Constabulary	359	
" 7	Post Office	785	
" 8	Masters and Servants	566	
" 10	Public Officers' Attendance	879	
" 13	Partnerships	42	Amended by 49 Vic. c. 8.
" 21	Small Pox	535	
25 Vic. c. 2	Entailed Estates	446	
" 6	Masters and Servants	569	
" 9	Small Pox	536	
" 11	Asylum	498	
" 15	Registrar of Records	87	Partly repealed by 39 Vic. c. 8; 58 Vic. c. 14; and 62 Vic. c. 26.
" 20	Superannuation	885	
" 26	New Plymouth Library	75	
26 Vic. c. 1	Billiard Rooms	597	
" 5	Masters and Servants	569	
" 5	Juries	191	
" 8	Attendance at Public Offices	880	
" 9	Lodging Houses	532	
" 10	Pilotage	723	
" 19	Salaries	840	
27 Vic. c. 1	Boatmen, Nassau	730	Amended by 28 Vic. c. 39.
" 2	Foreign Seamen	778	Secs. 3, 4 repealed by 29 Vic. c. 13. Sec. 5 partly by 27 Vic. c. 29.
" 5	Nassau Harbour Improvement	404	Amended by 52 Vic. c. 20, and 58 Vic. c. 25.
" 10	Masters and Servants	570	
" 11	Criminals	137	
" 19	Storing of Gunpowder	809	
" 26	Pilotage	723	
" 29	Asylum	498	Sec. 2 only in force.
" 37	Burial Ground	483	
28 Vic. c. 1	Foreign Seamen	779	
" 2	Accessories	287	
" 3	Offences against the Person	228	Sec. 35 repealed by 59 Vic. c. 27. Sec. 38 amended by 56 Vic. c. 16. Sec. 40 repealed by 52 Vic. c. 24. Sec. 41, 42 " 39 Vic. c. 6. Sec. 48 amended by 29 Vic. c. 2. Secs. 65, 69 repealed by 59 Vic. c. 27.
" 12	Lodging Houses	532	
" 14	Licensed Vessels	754	
" 24	Holding of Office	881	
" 28	Foreign Seamen	780	
" 29	Criminal Offences	901	
" 30	Salaries	840	Sec. 5 only in force.
" 31	Malicious Injuries to Property	248	Sec. 29 repealed by 43 Vic. c. 18. Secs. 46-54 " 59 Vic. c. 27. Sec. 56 " 29 Vic. c. 2.
" 37	Larceny	259	Secs. 92-95, 99, 102, repealed by 59 Vic. c. 27.
" 39	Boatmen	732	Sec. 100 repealed by 40 Vic. c. 19.

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29 Vic. c.	2	...	Criminal Law	902	
"	3	...	Evidence	213	
"	4	...	Perjury	285	
"	5	...	Companies	49	
"	6	...	Extending English Laws	6	
"	9	...	Burials	484	
"	12	...	Pilotage	724	
"	14	...	Superannuation	887	
"	15	...	Aliens	39	
"	16	...	Licensed Vessels	755	
"	19	...	Cattle	437	
"	21	...	Burial Ground	485	
"	24	...	Salaries	840	
"	25	...	Fire Engines	383	
"	32	...	Juries	198	
"	37	...	Marriages	474	
30 Vic. c.	9	...	Fire Engines	384	
"	10	...	Superannuation	888	Sec. 4 only in force.
"	11	...	Measurement of Lumber	561	
"	12	...	Nassau Market	554	Partly repealed by 32 Vic. c. 13, and amended by 52 Vic. c. 16, 57 Vic. c. 9, and 58 Vic. c. 5.
"	14	...	Burial Ground	486	
"	19	...	Trade	662	
"	21	...	Registration of Deeds	425	
31 Vic. c.	4	...	Companies	60	Amended by 62 Vic. c. 26.
"	7	...	Treason	222	
32 Vic. c.	10	...	Imprisonment	292	
"	15	...	Capital Punishment	292	
"	16	...	Treasonable Offences	223	
"	18	...	Poor Relief	499	
"	20	...	Burial Grounds	486	
"	21	...	Nassau Harbour	407	
"	24	...	Stationery	841	
"	27	...	Disendowment of Churches	508	
33 Vic. c.	1	...	Salaries	888	
"	4	...	Wrecked Property	662	
"	9	...	Fraudulent Debtors	146	
"	13	...	Bankruptcy	152	
"	15	...	Distressed Seamen	769	
"	21	...	Salaries	888	
34 Vic. c.	1	...	Census	508	
"	3	...	Vaccination	536	
"	5	...	Bankruptcy	179	
"	6	...	Quarantine	732	Amended by 40 Vic. c. 6; 47 Vic. c. 13; and 60 Vic. c. 26.
"	7	...	Weights and Measures	549	
"	9	...	Escheat	181	
"	17	...	Trial by Jury	198	
"	19	...	Cattle	437	
35 Vic. c.	4	...	Escheat	183	
"	5	...	Repeal	180	
"	6	...	Evidence	214	
"	9	...	Aliens	40	
"	10	...	Extending English Laws	5 & 6	
"	13	...	Public Health	539	Amended by 43 Vic. c. 12, and 56 Vic. c. 8.
"	14	...	Tonnage	663	
"	16	...	Auctioneers	682	Amended by 48 Vic. c. 14, and 62 Vic. c. 27.
"	17	...	Fees	707	Secs. 2, 3, 14 repealed by 60 Vic. c. 13.
"	18	...	Pensions to Widows and Orphans... ..	889	Secs. 4, 5 repealed by 62 Vic. c. 24.
"	19	...	Probate and Administration	114	Secs. 5-16 repealed by 59 Vic. c. 26.
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